

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

BRANDON CALLIER, )  
 )  
Plaintiff, )  
v ) No. 3:22-cv-00301-FM  
 )  
JASCOTT ENTERPRISES, LLC, )  
JASCOTT INVESTMENTS, LLC, )  
and JOHN DOES 1-4, )  
 )  
Defendants. )

\*\*\*\*\*

**ORAL AND VIDEO DEPOSITION OF**  
**BRANDON LATREULL CALLIER**

**JANUARY 8, 2024**

**Volume 1**

\*\*\*\*\*

ORAL AND VIDEO DEPOSITION of BRANDON  
LATREULL CALLIER, produced as a witness at the instance  
of the Defendants, and duly sworn, was taken in the  
above-styled and numbered cause on JANUARY 8, 2024, from  
9:49 a.m. to 4:34 p.m., at the offices of ACR Ink, LLC,  
221 North Kansas Street, Suite 505, El Paso, Texas,  
pursuant to the Federal Rules of Civil Procedure.

Reported by:

Ginger G. Zachary, CSR, RPR, CRR

Melody C. Joiner, CSR

ACR Ink, LLC

ph. 915.542.3422

[schedule@acr-ink.com](mailto:schedule@acr-ink.com)

**A P P E A R A N C E S**

## FOR THE PLAINTIFF:

Mr. Chris R. Miltenberger  
 THE LAW OFFICE OF CHRIS R. MILTENBERGER, PLLC  
 1360 North White Chapel Boulevard, Suite 200  
 Southlake, Texas 76092  
 (817) 416-5060  
*chris@crmlawpractice.com*

## FOR THE DEFENDANTS:

Mr. Michael R. Nevarez  
 THE NEVAREZ LAW FIRM, PC  
 7362 Remcon Circle  
 El Paso, Texas 79912  
 (915) 225-2255  
*mnevarez@lawofficemrn.com*

## ALSO PRESENT:

Video Technician Roger Navarro  
 Mr. Robert Sharpe

**INDEX****PAGE**

BRANDON LATREULL CALLIER

By Mr. Nevarez

5

Reporter's Certificate

215

Corrections and Signature

216

1	<b>EXHIBITS</b>		
2	<b>NO.</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
3	Exhibit A	Binder of Exhibits	22
4	Exhibit 01	Summons in a Civil Action and Plaintiff's Original Complaint	89
5	Exhibit 02	PTIN Directory, Aero Tax Services	94
6	Exhibit 03	Texas Franchise Tax Public Information Report	96
7	Exhibit 04	Assumed Name Certificate	97
9	Exhibit 05	Texas Secretary of State Global Person Search	98
10	Exhibit 06	Plaintiff's First Amended Complaint	142
11	Exhibit 07	Verizon Bill for Period 3-26-2022 to 4-25-2022	146
13	Exhibit 08	Verizon Bill for Period 4-26-2022 to 5-25-2022	158
14	Exhibit 09	Spreadsheet Entitled "Upwise-Pac Western"	164
16	Exhibit 10	Spreadsheet Entitled "Unified Funding-Capybara"	168
17	Exhibit 11	Spreadsheet Entitled "Direct Funding Now-Kalamata"	170
19	Exhibit 12	Spreadsheet Entitled "LionHead-Kalamata"	171
20	Exhibit 13	Spreadsheet Entitled "Pearl Capital"	171
21	Exhibit 14	Spreadsheet Entitled "Today's Advance-Arsenal WH RD"	172
23	Exhibit 15	Spreadsheet Entitled "AR Capital Direct Merchants FU"	172
24	Exhibit 16	Spreadsheet Entitled "Fundkite - Peak Source, LLC"	173
25			

<b>EXHIBITS (continued)</b>			
<b>NO.</b>	<b>DESCRIPTION</b>	<b>PAGE</b>	
Exhibit 17	Spreadsheet Entitled "CFS CAP, LLC, Qualifier"	173	
Exhibit 18	Spreadsheet Entitled "Mulligan - Finwise"	174	
Exhibit 19	Spreadsheet Entitled "Mulligan - Trust FI"	175	
Exhibit 20	Spreadsheet Entitled "True Cash Offer-House"	175	
Exhibit 21	Spreadsheet Entitled "Tax Resolvers"	175	
Exhibit 22	Spreadsheet Entitled "UCES United Wealth"	176	
Exhibit 23	Spreadsheet Entitled "Coach Christian"	176	
Exhibit 24	Spreadsheet Entitled "Shopfunder"	177	
Exhibit 25	Spreadsheet Entitled "Direct Funding Club"	177	
Exhibit 26	Spreadsheet Entitled "Verite"	178	
Exhibit 27	Spreadsheet Entitled "PMF"	178	
Exhibit 28	Spreadsheet Entitled "Debt Consultants Group"	178	
Exhibit 29	Spreadsheet Entitled "Titan"	178	
Exhibit 30	Spreadsheet Entitled "El Paso Cosmetic"	179	
Exhibit 31	Spreadsheet Entitled "American First Life"	179	
Exhibit 32	Spreadsheet Entitled "Ethos Life 4374"	179	
Exhibit 33	Spreadsheet Entitled "Alexa Assurance 4374"	180	

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**EXHIBITS (continued)**

<b>NO.</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
Exhibit 34	Spreadsheet Entitled "Splash Advance, LLC, Bridge Conso"	180
Exhibit 35	Spreadsheet Entitled "Fortune 500"	181
Exhibit 36	Spreadsheet Entitled "MGM Funding"	181
Exhibit 37	Spreadsheet Entitled "Commercial Lending"	181
Exhibit 38	Spreadsheet Entitled "Spearhead"	181
Exhibit 39	Spreadsheet Entitled "Sheet 1"	182

1 THE VIDEO TECHNICIAN: Good morning. We  
2 are on the record. The date is Monday, January 8, 2024,  
3 and the time is 9:49 a.m. This is the video deposition  
4 of Brandon Callier.

5 Will counsel attending please state your  
6 appearances, please?

7 MR. NEVAREZ: Yes. Michael R. Nevarez for  
8 the defendants, JaScott Enterprises, LLC, and JaScott  
9 Investments, LLC.

10 MR. MILTENBERGER: And who's he?

11 MR. NEVAREZ: He -- he's not on -- on the  
12 case today.

13 MR. MILTENBERGER: So -- but you -- can you  
14 identify yourself for the record?

15 MR. NEVAREZ: Yeah.

16 MR. SHARPE: Sure. Robert Sharpe,  
17 S-H-A-R-P-E.

18 MR. MILTENBERGER: Okay. Chris  
19 Miltenberger for Plaintiff.

20 And just to check, before we start, what's  
21 his relevance to the case?

22 MR. NEVAREZ: He's an associate of mine.

23 MR. MILTENBERGER: Okay. Good. Thank you.  
24  
25

1 BRANDON LATREULL CALLIER,  
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. NEVAREZ:

5 Q. Okay. Would you please give your full name for  
6 the record?

7 A. Brandon Latreull Callier.

8 Q. All right. Would you spell the middle name,  
9 please?

10 A. It's L-A-T-R-E-U-L-L.

11 Q. Okay. And you're the plaintiff here.

12 A. Yes, sir.

13 Q. Okay. And so have you ever had your deposition  
14 taken before?

15 A. I have not.

16 Q. No?

17 A. No.

18 Q. Have you ever testified in court before?

19 A. No.

20 Q. Okay. So let me just go over a few ground  
21 rules so that you understand the process. First of all,  
22 I'm going to be asking you numerous questions. If you  
23 don't understand the question, then ask me to repeat it  
24 or -- or to clarify the question, so you understand  
25 the -- the question and your answer is correct and

1 truthful, because you are under oath.

2 MR. NEVAREZ: You've -- you've sworn him  
3 in?

4 Q. (BY MR. NEVAREZ) So do you understand that?

5 A. Yes, sir.

6 Q. Okay. Now, the other thing is do say "yes" or  
7 "no" or -- or whatever your answer verbally, as opposed  
8 to just nodding or shaking your head. You understand  
9 that?

10 A. Yes.

11 Q. Okay. And then so -- and then most importantly  
12 for the court reporter, try to wait until I finish my  
13 question before answering, and I'll -- I'll do the same,  
14 so we don't have each other speaking over each other.

15 A. Yes.

16 Q. Do you understand that?

17 A. Yes.

18 Q. Okay. Do you have any questions?

19 A. No.

20 Q. Okay. I'd like to start off by getting --  
21 getting your background. Where were you born?

22 A. Tyler, Texas.

23 Q. Okay. And how long did you live there?

24 A. Three years.

25 Q. And -- and then you went --



1 A. Moved to Sacramento, California.

2 Q. Sacramento. Okay.

3 And how long were you in Sacramento?

4 A. Four years.

5 Q. Four years. Okay.

6 Sounds like you're a military child?

7 A. No, sir.

8 Q. No? Okay.

9 So after Sacramento, where -- where did you  
10 move to?

11 A. Back to Tyler, Texas.

12 Q. Okay. And how long did you live in Tyler,  
13 Texas, after Sacramento?

14 A. About two years.

15 Q. Okay. And after that, where did you live?

16 A. In Signal Hill, California.

17 Q. And how long were you there?

18 A. About two years.

19 Q. Okay. After that?

20 A. Chino, California.

21 Q. And how long were you in Chino?

22 A. About five years or so.

23 Q. Okay. So did you graduate from high school in  
24 Chino, California?

25 A. I -- we moved -- no.

1 Q. Where did you graduate from high school?

2 A. Tyler, Texas.

3 Q. Okay.

4 A. Moved back to Tyler after Chino.

5 Q. Okay. I see.

6 MR. MILTENBERGER: Objection,  
7 nonresponsive.

8 Q. (BY MR. NEVAREZ) Okay. And so, now, did you  
9 go to college after high school?

10 A. Yes, sir.

11 Q. And where did you go to college?

12 A. Texas Tech University, University of Texas at  
13 Tyler, University of Texas at El Paso, Strayer  
14 University, and Penn State University.

15 Q. What was the third one?

16 A. Strayer.

17 Q. Strayer?

18 A. Yeah.

19 Q. Where's that?

20 A. It's in, I want to say, Washington, D.C. I --  
21 I did that one online.

22 Q. I see. Okay.

23 All right. And so where did you get your  
24 degree from?

25 A. I have degrees from Texas Tech, Penn State,

1 UT Tyler, and Strayer. I finished my UTEP accounting  
2 degree at Strayer.

3 Q. I see. Okay. So was it a degree from Texas  
4 El Paso or from Strayer?

5 A. It was from Strayer.

6 Q. Okay. And then so what was the degree from  
7 Penn State that you got?

8 A. Master's of public administration.

9 Q. And your degree in accounting from Strayer, was  
10 that a BA, a bachelor's?

11 A. Yes, sir.

12 Q. So do you have any other degrees?

13 A. Master's of business administration.

14 Q. Where is that from?

15 A. U- -- UT Tyler. Psychology from Texas Tech.

16 MR. MILTENBERGER: Objection,  
17 nonresponsive.

18 Q. (BY MR. NEVAREZ) Any other degrees?

19 A. No.

20 Q. Okay. So the -- your master in public  
21 accounting, that was a two-year position? Was that --  
22 was that in person or online?

23 A. Which -- you -- you said master's in  
24 accounting. I don't have a master's in accounting.

25 Q. No. Master in public administration.

1           A.    In public administration, I did the Penn State  
2 degree online.

3           Q.    Online.   Okay.

4                   And your degree from Texas Tech in  
5 psychology, was that also online?

6           A.    In person.

7           Q.    I see.

8                   And your MBA from UT Tyler, is that online  
9 or in person?

10          A.    In person.

11          Q.    Okay.   So let me now -- and that's all your  
12 degrees.

13          A.    Yes, sir.

14          Q.    Okay.   So let -- let's start off with your  
15 employment history.   Which was your first degree when  
16 you -- that was your bachelor's --

17          A.    Psychology.

18          Q.    -- in accounting?

19          A.    Psychology.

20          Q.    Psychology?

21                   Oh.   So after -- after -- when did you get  
22 that?

23          A.    December 1997.

24          Q.    Okay.   And so what was your first employment  
25 after that?

1           A.    I managed a furniture store called "Brad's  
2 Mattress Factory" in Tyler, Texas.

3           Q.    Okay. And how long did you work there at  
4 the...

5           A.    It was a long time ago. I think about two  
6 years.

7           Q.    Okay. So then in approximately 1999, you went  
8 from being manager at the furniture store to -- to  
9 where?

10          A.    I started working for PFL Life as a --

11          Q.    PFL Life?

12          A.    Yes.

13          Q.    And what is PLF -- PFL Life?

14          A.    It's an insurance company.

15          Q.    Insurance?

16                    Okay. And where was that?

17          A.    Tyler, Texas.

18          Q.    And how long did you do that?

19          A.    About three years.

20          Q.    Okay. Up until about 2002?

21          A.    Yes.

22          Q.    So where did you go after PFL Life?

23          A.    From there, I took a break while I was in grad  
24 school, and then in 2000-and- --

25          Q.    Which grad school was that?

1 A. UT Tyler, getting an MBA.

2 Q. Okay. For how long?

3 A. Two years.

4 Q. So until about 2004?

5 A. 2003.

6 Q. 2003. Okay.

7 So what did you do in 2003 for employment?

8 A. Started working for the Army.

9 Q. You enlisted?

10 A. No.

11 Q. No?

12 A. Army civilian employee.

13 Q. Okay. And where was that?

14 A. Fort Bliss, Texas.

15 Q. And what did you do for the Army?

16 A. I started as an acc- -- auditing intern.

17 Q. Auditor?

18 A. Yes.

19 Q. For what -- specifically, what entity in the  
20 Army?

21 A. Can you be specific when you say "what entity"?

22 Q. Yeah. I mean, obviously, the Army is a huge  
23 department. What -- what part of the department did you  
24 work for at Fort Bliss?

25 A. I worked for the internal audit and compliance

1 department.

2 Q. Okay. And how long did you -- were you an  
3 auditor for the Army?

4 A. For two years.

5 Q. Okay. And your title was "auditor"?

6 A. Yeah. Yes.

7 Q. Okay. So where did you go from there?

8 A. Still worked for the Army at Fort Bliss, and I  
9 became a budget analyst.

10 Q. And how long did you do that?

11 A. About three years.

12 Q. Okay. So we're about 2008?

13 A. Approximately.

14 Q. Yeah. Okay.

15 And so what did you do after you left your  
16 budget analyst position?

17 A. I took a position as an auditor -- I mean --  
18 excuse me -- an accountant.

19 Q. And where was that?

20 A. Fort Bliss.

21 Q. Army?

22 A. Yes.

23 Q. And the title there was?

24 A. I was a lead auditor -- excuse me -- lead  
25 accountant.

1 Q. Okay. And how long did you do that?

2 A. Probably about five years.

3 Q. So about 2013?

4 A. It could have been 2012, 2013, in that range.

5 Q. Okay. So where -- where did you -- what did  
6 you do after your -- terminated your lead accountant  
7 position?

8 A. Still at Fort Bliss, I became the chief of  
9 accounting.

10 Q. And how long were you the chief of accounting?

11 A. Until 2021.

12 Q. Okay. And so what did you do after you ceased  
13 becoming chief of accounting?

14 A. I've been self-employed.

15 Q. Okay. Specifically, you began working as -- as  
16 what? Doing what?

17 A. I have a accounting and -- excuse me -- a tax  
18 and bookkeeping service.

19 Q. And the name of that?

20 A. Aero Tax Services.

21 Q. So you started Aero Tax Services in 2021,  
22 approximately?

23 A. No. I began it probably 2015 or so.

24 Q. I see.

25 MR. MILTENBERGER: Objection,



1 nonresponsive, strike -- move to strike everything after  
2 the answer "no."

3 Q. (BY MR. NEVAREZ) So you -- so you were working  
4 as part of Aero Tax Services in 2015, but on a part-time  
5 basis while you were with the Army?

6 A. Can you rephrase that?

7 Q. You -- you say you opened Aero Tax Services  
8 about 2015. Did you work under Aero Tax Services in  
9 2015, beginning 2015 to 2021?

10 A. I didn't work under Aero Tax Services.

11 Q. Okay. Well, what did you do after under Aero  
12 Tax Services? Anything?

13 A. I owned it.

14 Q. Yeah. Well, okay. You -- so you owned it, but  
15 you didn't operate as Aero Tax Services?

16 A. Yes, I operated the business.

17 Q. Beginning 2015?

18 A. Approximately.

19 Q. Okay. So --

20 A. Approximately on all of these dates.

21 Q. Sure. Sure.

22 So that was while you were still chief of  
23 accounting?

24 A. Yes.

25 Q. And so what kind of services did you provide as

1 part of Aero Tax Services?

2 A. Tax preparation, bookkeeping.

3 Q. Individual, corporate, all kinds?

4 A. All kinds.

5 Q. Okay. And so when did you become enrolled in  
6 the IRS?

7 A. Can you rephrase the question or define  
8 "enrolled"?

9 Q. Well, you know, you can become an enrolled  
10 agent.

11 A. I'm not an enrolled agent.

12 Q. You're not an enrolled agent?

13 Now, in 2015, did you open Aero Tax  
14 Services as a business entity, or was that a d/b/a?

15 A. The bus- -- it's a d/b/a.

16 Q. Okay. So it's a sole proprietorship.

17 A. No, sir.

18 Q. No? No longer?

19 In 2- -- in 2015, was it sole  
20 proprietorship or a business entity?

21 A. It was a business entity.

22 Q. Okay. What kind of a business entity was it?

23 A. LLC.

24 Q. Okay. And were you the sole owner?

25 A. Yes.

1 Q. Were you the only mem- -- you -- so you were  
2 the only member.

3 A. Yes.

4 Q. Okay. Did you have employees?

5 A. Yes.

6 Q. Beginning 2015, how many employees did you  
7 have?

8 A. Four.

9 Q. And that was in 2015?

10 A. To the best of my knowl- -- memory, yes.

11 Q. Okay. And how long did you operate Aero Tax  
12 Services, LLC?

13 A. Approximately four years.

14 Q. So until about 2015 -- or 2025? Four years?  
15 Oh, no. I'm sorry. You're -- you're back in 2015.  
16 Until about 2020?

17 A. 2019ish, 2020 maybe.

18 Q. Okay. So what did you do after that, after you  
19 ceased operating under Aero Tax Services, LLC?

20 A. I opened a nail salon.

21 Q. A nail salon?

22 A. Yes.

23 Q. And what's the name of the nail salon?

24 A. Vanity Nail Bar.

25 Q. Would you spell that?

1 A. Vanity? V-A-N-I-T-Y. Nail, N-A-I-L. Bar,  
2 B-A-R.

3 Q. Okay. And was that also a business entity?

4 A. Yes, sir.

5 Q. What kind of business entity was it?

6 A. It was a C corp -- no. Excuse me -- an S corp.

7 Q. Okay. And were you the only owner,  
8 shareholder?

9 A. No.

10 Q. Who -- who were the other shareholders?

11 A. Lloyd Robertson.

12 Q. Is that the only one?

13 A. Yes.

14 Q. And what was your share of the -- of the  
15 S corp?

16 A. 50/50.

17 Q. And what -- what did you -- what kind of  
18 services did Vanity Nail Bar provide?

19 A. Manicures, pedicures.

20 Q. And what was your role there?

21 A. I owned it.

22 Q. Were -- you were 50 percent owner. What did  
23 you do? Did you operate as -- as a manager, a  
24 bookkeeper?

25 A. I kept the books, made the schedule.

1 Q. Okay. Did you also provide manic- -- manicure  
2 and pedicure services?

3 A. No.

4 Q. Okay. And so is that still -- are you still  
5 operating under Vanity Nail Bar?

6 A. No.

7 Q. When did that cease?

8 A. COVID, whatever year COVID started, 2001. I  
9 don't remember.

10 Q. 2001?

11 A. I don't -- when it -- oh, excuse me. 2021,  
12 whatever year COVID started.

13 Q. Okay. So you had to shut down because of  
14 COVID, basically?

15 A. Yes.

16 Q. Okay. So what did you do after that?

17 A. Started Aero Tax Services again.

18 Q. You started Aero Tax Services up again?

19 A. Yes.

20 Q. Okay. And so that was approximately 2019-2020?  
21 Because that -- that's usually when people refer to  
22 COVID, as 2019, December 2019.

23 A. Sir, I can't speculate on when that was because  
24 I don't remember when COVID started.

25 Q. Okay. So did you operate under the -- the old

1 Aero Tax Services, LLC, entity?

2 A. Can I clarify something from earlier?

3 Q. Sure.

4 A. You asked me a question. I don't want it to  
5 seem like I was contradicting myself. You asked me if  
6 Aero Tax Services was a d/b/a, and I told you yes -- or  
7 business entity was a d/b/a, and I told you yes. Aero  
8 Tax Services is a d/b/a of Aero Services, LLC.

9 Q. I see. Okay.

10 A. When I started -- going back to your other  
11 question, I reregistered Aero Tax Services, LLC, as its  
12 own actual LLC and not a d/b/a.

13 Q. I see. Make sure I get this correct.

14 So back in 2015, you actually formed Aero  
15 Services, LLC.

16 A. Yes.

17 Q. That was doing business as Aero Tax Services.

18 A. Yes.

19 Q. And then later, you formed Aero Tax Services,  
20 LLC.

21 A. Yes.

22 Q. And when was that, approximately?

23 A. Probably 2021, 2022. I -- my dates are a  
24 little hazy from COVID.

25 Q. Sure.

1 And so what -- what did you -- were you the  
2 sole member of Aero Tax Services, LLC?

3 A. Yes.

4 Q. And how many employees did you have?

5 A. Three.

6 Q. And what kind of services did Aero Tax  
7 Services, LLC, provide?

8 A. Tax preparation and bookkeeping.

9 Q. For individual, as well as businesses?

10 A. Yes.

11 Q. Okay. And are you still operating under Aero  
12 Tax Services, LLC?

13 A. Yes.

14 Q. Okay. And what is the -- the business address  
15 of Aero Tax Services, LLC?

16 A. 10921 Pellicano Avenue, Suite 100, El Paso,  
17 Texas 79935.

18 Q. Okay.

19 A. It's possibly -36. I get it confused.

20 Q. I see.

21 And what's the phone number there?

22 A. I do not know the phone number off the top of  
23 my head. It's on my website.

24 Q. And what's the domain for your website?

25 A. Aerotaxservices.com.

1 Q. Okay. And so how many -- you still have three  
2 employees?

3 A. Really, two right now.

4 Q. And who are the employees?

5 A. Yazmain Gonzalez.

6 Q. I'm sorry. What?

7 A. Yazmain, Y-A-Z-M-A-I-N --

8 Q. Okay.

9 A. -- Gonzalez and Paula -- excuse me -- shoot --  
10 Barbara Silva.

11 Q. Okay. So what does Yazmain Gonzalez do?

12 A. Prepares taxes.

13 Q. And Barbara Silva?

14 A. Prepares taxes.

15 Q. Do you also prepare taxes?

16 A. Yes.

17 Q. Okay. So let me present you with an exhibit.

18 MR. MILTENBERGER: Thank you.

19 MR. NEVAREZ: We'll mark this as Exhibit A.

20 (Exhibit A marked.)

21 MR. MILTENBERGER: Exhibit what?

22 MR. NEVAREZ: A, as in "apple."

23 Q. (BY MR. NEVAREZ) And Exhibit A consists of 125  
24 individual exhibits. If you go to the first page,  
25 that -- that's marked as "Exhibit Number 1." Do you see



1 that?

2 A. Yes, sir.

3 Q. Okay. Down at the bottom, you see where it  
4 says "JaScott Investments-001"?

5 A. Yeah.

6 Q. Okay. That -- that's called "a Bates stamp."  
7 Are you familiar with Bates stamps?

8 A. No, sir.

9 Q. Okay. I'm going to refer to these as "Bates  
10 stamp" and then the number.

11 A. Okay.

12 Q. Okay. So let me ask you to go to Exhibit A,  
13 Exhibit Number 1, Bates stamp JaScott Investments-2 --  
14 -0002. Do you see that?

15 A. Yes.

16 Q. Okay. That has a time stamp of -- on the -- on  
17 the left-hand column, 4-2-2022. Do you see that?

18 A. Yes.

19 Q. And then the next column says "Max Williams."  
20 And then the column after that, the third column, it  
21 says "Brandon Callier." Do you see that?

22 A. Yes.

23 Q. Are you familiar with Max Williams?

24 A. I do not know Max Williams. No.

25 Q. You -- you don't know him?

1 A. No.

2 Q. You've never talked to Max Williams?

3 A. To the best of my knowledge, no.

4 Q. Okay. Now, the next column is blank. The  
5 fifth column has the number "9153834604." Do you see  
6 that?

7 A. Yes.

8 Q. Are you familiar with that number?

9 A. Yes.

10 Q. What is that number?

11 A. That is my personal cell phone number.

12 Q. Okay. Now, the next column after that entitled  
13 "Company," it says "Aero Services, LLC."

14 A. Yes.

15 Q. That's the firm that you indicated was doing  
16 business as Aero Tax Services --

17 A. Yes.

18 Q. -- right?

19 MR. MILTENBERGER: Objection to the form of  
20 the question. Just at what point in time?

21 MR. NEVAREZ: Whenever it was doing  
22 business as Aero Tax Services.

23 MR. MILTENBERGER: But what -- what's the  
24 point in time in reference to the question, so that the  
25 witness can answer it?

1 MR. NEVAREZ: It -- it wasn't referenced to  
2 any point in time.

3 Q. (BY MR. NEVAREZ) But as a follow-up, in  
4 April 2 of 2022, were you operating as Aero Services,  
5 LLC?

6 A. No.

7 Q. You were not?

8 Then the LLC -- Aero Services, LLC, was no  
9 longer in existence?

10 A. Correct.

11 Q. Okay. Were you operating as Aero Tax Services?

12 A. I was operating -- yes.

13 Q. Okay. But not as a d/b/a of Aero Services,  
14 LLC?

15 A. Corre-...

16 Q. You were operating Aero Tax Services as a  
17 d/b/a, a sole proprietorship?

18 A. Yes.

19 Q. In April 2 of 2022?

20 A. Yes.

21 Q. Okay. Now, the next column is "Email Address,  
22 callier74@gmail.com." Is that your email address?

23 A. Yes.

24 Q. Now, the next column says "Looking Amount,  
25 60k." I believe that stands for "60,000." Have you

1 ever looked for a loan in the amount of 60,000 on behalf  
2 of Aero Tax Services --

3 A. No.

4 Q. -- or Aero Tax Services, LLC?

5 A. No.

6 Q. Never have.

7 A. No.

8 Q. So the next column after that, it says "Funding  
9 Purposes, working capital." You've -- have you ever  
10 looked for a loan for working capital for Aero Tax  
11 Services?

12 A. No.

13 Q. Or Aero Services, LLC?

14 A. No.

15 Q. Okay. So let me refer you to the next page,  
16 which is JaScott Investments Bates 3. That's entitled  
17 "Exhibit Number 2." Do you see that?

18 A. Yes.

19 Q. And the page after that is Bates stamp JaScott  
20 Investments-0004. Do you see that?

21 A. Yes.

22 Q. So I'm going to provide you an audio fi- -- I'm  
23 going to play for you an audio file.

24 A. Okay.

25 Q. I'd like for you to listen to it.

1 (Audio played.)

2 MR. CALLIER: Hello.

3 MR. FAWZY: (Indiscernible) good morning.

4 How are you?

5 MR. CALLIER: I'm good. How are you?

6 MR. FAWZY: I'm doing great. Thank you so  
7 much for asking. I -- I hope you're free at this moment  
8 and you're having a wonderful day.

9 Did you have the chance to receive my  
10 email?

11 MR. CALLIER: Well, I'm loo- -- I'm looking  
12 for it in -- in my email. This is Upwise, right?

13 MR. FAWZY: JaSc-...

14 (Audio stopped.)

15 Q. (BY MR. NEVAREZ) Do -- do you recognize that,  
16 those voices?

17 A. I recognize my voice --

18 Q. Okay.

19 A. -- or what I assume is my voice.

20 Q. I see.

21 (Audio played.)

22 MR. FAWZY: Five techniques for --

23 UNIDENTIFIED SPEAKER: Oh.

24 MR. FAWZY: (Indiscernible.) A la chica.

25 MR. CALLIER: Hello?

1 MR. FAWZY: Hello. Brandon?

2 MR. CALLIER: Yes.

3 MR. FAWZY: Hey. This is Mark. I'm just  
4 calling you back with JaScott Investment. You just  
5 spoke to one of my associates, Allen. You are looking  
6 for \$50,000? Am I correct about that?

7 MR. CALLIER: Yeah. From -- you said  
8 "Allen"?

9 MR. FAWZY: Correct. Yeah. You spoke to  
10 my associate, Allen. So are you in front of a computer  
11 right now?

12 MR. CALLIER: Yes.

13 MR. FAWZY: Okay. I am sending you the  
14 application. You're going to get the application from  
15 mark.fawzy@jascott.org, so -- and I can see your email  
16 here as callier74@gmail.com. Is that your best email?

17 MR. CALLIER: Yes.

18 MR. FAWZY: Okay. Give me one second. The  
19 subject line is "funding offer." And what kind of  
20 payment term are you looking for?

21 MR. CALLIER: I don't know. Weekly,  
22 monthly. Either one would be good.

23 MR. FAWZY: Weekly and monthly. Perfect.  
24 Perfect. And do you -- do you have any positions right  
25 now, any loans right now, currently at this moment?

1 MR. CALLIER: No.

2 MR. FAWZY: Perfect. Perfect.

3 (Audio stopped.)

4 Q. (BY MR. NEVAREZ) Okay. Do you recognize those  
5 voices?

6 A. One voice is mine, and the other voice  
7 identified himself as Mark Fawzy.

8 Q. Okay. And you -- so you recognize Mark Fawzy's  
9 voice?

10 A. I recognize Mark Fawzy's name.

11 Q. Okay. But you don't recognize his voice?

12 A. I don't recognize voices from a year ago from  
13 people I've never met.

14 Q. I see. Okay.

15 So let me -- let me continue playing it.

16 Maybe not. Okay. I'm sorry. For some  
17 reason, the audio's gone off.

18 MR. NEVAREZ: Okay. Let's go off the  
19 record, please.

20 THE VIDEO TECHNICIAN: Off the record at  
21 10:28 a.m.

22 (Break taken.)

23 THE VIDEO TECHNICIAN: And we are back on  
24 the record at 10:42 a.m.

25 Q. (BY MR. NEVAREZ) Okay. We're going to start

1 back from the record -- from the beginning.

2 (Audio played.)

3 MR. FAWZY: A la chica.

4 MR. CALLIER: Hello?

5 MR. FAWZY: Hello. Brandon?

6 MR. CALLIER: Yes.

7 MR. FAWZY: Hey. This is Mark. I'm just  
8 calling you back with JaScott Investment. You just  
9 spoke to one of my associates, Allen. You are looking  
10 for \$50,000? Am I correct about that?

11 MR. CALLIER: Yeah. From -- you...

12 (Audio stopped.)

13 Q. (BY MR. NEVAREZ) Okay. And so you said, yes,  
14 you were looking for \$50,000?

15 A. (No verbal response.)

16 Q. Do you want me to replay that for you?

17 A. You can replay it.

18 (Audio played.)

19 MR. FAWZY: Yeah. You spoke to my  
20 associate, Allen. So are you in front of a computer  
21 right now?

22 MR. CALLIER: Yes.

23 MR. FAWZY: Okay. I am sending you the  
24 applic- --

25 (Audio stopped.)



1 MR. NEVAREZ: I am sorry. That didn't --  
2 that didn't start it, so I'll start it again.

3 (Audio played.)

4 MR. FAWZY: (Indiscernible.) A la chica.

5 MR. CALLIER: Hello?

6 MR. FAWZY: Hello. Brandon?

7 MR. CALLIER: Yes.

8 MR. FAWZY: Hey. This is Mark. I'm just  
9 calling you back with JaScott Investment. You just  
10 spoke to one of my associates, Allen. You are looking  
11 for \$50,000? Am I correct about that?

12 MR. CALLIER: Yeah. From -- you said  
13 "Allen"?

14 MR. FAWZY: Correct.

15 (Audio stopped.)

16 Q. (BY MR. NEVAREZ) So you were looking for  
17 50,000?

18 A. I believe I was saying "yeah" confirming that I  
19 had spoken to someone named Allen.

20 Q. So you weren't looking to 50- -- for 50,000.  
21 Is that -- is that your testimony?

22 A. My -- I was looking to find out who was calling  
23 me.

24 Q. Okay. So you -- you testified that you  
25 remembered Mark Fawzy. That you've dealt with Mark

1 Fawzy?

2 A. I remember Mark Fawzy from my complaint.

3 Q. Do you remember speaking to Mark Fawzy?

4 A. I remember someone identifying themselves as Mark  
5 Fawzy in emails and phone calls.

6 Q. Okay. And is it your testimony that you never  
7 asked for \$50,000 from -- in your discussions with Mark  
8 Fawzy?

9 A. No.

10 Q. So did you -- do you want me to replay this  
11 again? Mr. Fawzy asked you if -- and I'll represent to  
12 you that that's Mark Fawzy's voice, okay?

13 A. Uh-huh.

14 Q. In that audio recording of a telephone  
15 conversation with you, he asked you if you wanted  
16 \$50,000, and you said yes. Were you asking for 50,000  
17 from Mark Fawzy?

18 A. No. My "yeah" was confirming the pre- -- when  
19 he preceded, and he said, "You spoke to Allen earlier,"  
20 or whatever. I was confirming that, I believe.

21 Q. Okay. Yeah. I understood that part.

22 My question is, did you ever ask for  
23 \$50,000 from Mark Fawzy?

24 A. Did I ever ask?

25 Q. Yes. Did you ever try to get a loan from Mark

1 Fawzy for \$50,000?

2 A. I filled out a applica- -- an application  
3 later, yes.

4 Q. Okay. So --

5 A. I don't remember the dollar amount.

6 Q. Okay. Well, let -- let's continue on with the  
7 conversation.

8 (Audio played.)

9 MR. FAWZY: You spoke to my associate,  
10 Allen. So are you in front of a computer right now?

11 MR. CALLIER: Yes.

12 MR. FAWZY: Okay. I am sending you the  
13 application. You're going to get the application from  
14 mark.fawzy@jascott.org, so -- and I can see your email  
15 here as --

16 (Audio stopped.)

17 Q. (BY MR. NEVAREZ) Did -- did you understand  
18 that part?

19 A. Yes.

20 Q. What is your understanding of what Mark Fawzy  
21 just said?

22 A. That he was sending me an application.

23 Q. For what purposes?

24 A. I don't believe he identified the purpose.

25 Q. No.

1                   What was your understanding of the purpose  
2 for sending you an application?

3           A.    I don't know what -- I can't speak to what his  
4 purpose was. My purpose for receiving an application  
5 was to try to find out the lender.

6           Q.    To try to find out the lender.

7           A.    Yes.

8           Q.    So you were never interested in a \$50,000 loan?

9           A.    No.

10          Q.    So why would you even try to get an application  
11 if you're not interested for a \$50,000 loan?

12          A.    To find out the lender.

13          Q.    What -- for what purposes?

14          A.    To find out who was violating the TCPA.

15          Q.    This is the first call you'd ever had with Mark  
16 Fawzy; is that correct?

17          A.    I can't say.

18          Q.    Have -- had you ever had a phone call prior to  
19 April 8th of 2022?

20          A.    My call log is in my complaint.

21          Q.    Yes. That's not my question.

22          A.    And I believe the call log indicates calls  
23 prior to that date, this phone call.

24          Q.    Okay. So getting back to my question, you were  
25 not interested in getting a \$50,000 loan in your

1 communications with Mark Fawzy?

2 A. No, I was not interested in taking \$50,000 from  
3 JaScott.

4 Q. Okay. So -- well, let's continue on with the  
5 conversation.

6 (Audio played.)

7 MR. FAWZY: -- callier74@gmail.com. Is  
8 that your best email?

9 MR. CALLIER: Yes.

10 MR. FAWZY: Okay.

11 Q. (BY MR. NEVAREZ) So --

12 MR. FAWZY: Give me one second.

13 Q. (BY MR. NEVAREZ) So you're --

14 MR. FAWZY: The subject line is "funding  
15 offer." And what kind of payment term are you looking  
16 for?

17 MR. CALLIER: I don't know. Weekly,  
18 monthly. Either one would be good.

19 MR. FAWZY: Weekly and monthly. Perfect.  
20 Perfect. And do you -- do you have any positions right  
21 now, any loans right now, currently at this moment?

22 MR. CALLIER: No.

23 MR. FAWZY: Perfect. Perfect. All right.  
24 Just give me one second.

25 (Audio stopped.)

1 Q. (BY MR. NEVAREZ) So you're discussing the  
2 terms of the loan with him and -- and your  
3 qualifications for a loan, your eligibility for a loan?

4 A. I wouldn't characterize it as that, no.

5 Q. Okay. What would you characterize it?

6 A. Well, he certainly didn't discuss terms of a  
7 loan.

8 Q. Well, I mean, he wanted to know if you were  
9 interested in paying weekly or monthly, and you said  
10 "weekly or monthly," right? That's not the terms of a  
11 loan?

12 A. Well, I guess so. In my -- in my mind, it  
13 would have been something else, but --

14 Q. Okay.

15 A. -- fine for purposes of this discussion.

16 Q. I'm sorry. What?

17 A. For the purposes of this discussion, we can  
18 call it "terms of a loan."

19 Q. Okay.

20 (Audio started.)

21 MR. FAWZY: I believe the -- all right. It  
22 should be DocuSign, okay? Your name, Brandon Callier.

23 MR. CALLIER: (Indiscernible.)

24 MR. FAWZY: Yeah. You're going to DocuSign  
25 on your email. Can you please give it a check if you

1 got it or not? It should be on your inbox by now. And  
2 I am sending you another email where you're going to  
3 have all the information about my company and  
4 everything -- my website, address, and everything that  
5 you require. Just (indiscernible). The subject line is  
6 "funding offers." Yeah. It's sent. Can you please  
7 check your inbox, sir? Did you receive it? Sir, are  
8 you there?

9 MR. CALLIER: Oh, shoot. Yeah, I got it.  
10 I have to make a phone call to a vendor real quick, so  
11 give me about 20 minutes, and then I'll take care of  
12 this.

13 MR. FAWZY: Okay. Perfect. So --

14 MR. CALLIER: Okay.

15 MR. FAWZY: -- it's a very simple  
16 procedure. You just have to fill out the application.  
17 It just takes five minutes of your time, and send it  
18 back to me with the last four (indiscernible). I'll  
19 come back with the offer in the next 30 minutes, all  
20 right?

21 MR. CALLIER: Okay.

22 MR. FAWZY: The 50,000 you're looking for,  
23 I'll --

24 MR. CALLIER: Yeah.

25 MR. FAWZY: -- have it ready for you.

1 (Indiscernible.)

2 MR. CALLIER: Yeah. Last four of  
3 (indiscernible).

4 MR. FAWZY: Thank you so much. I'm calling  
5 you back in --

6 MR. CALLIER: Okay.

7 MR. FAWZY: -- 20 minutes.

8 MR. CALLIER: Okay.

9 MR. FAWZY: Perfect.

10 MR. CALLIER: Thank you so much. Bye.

11 MR. FAWZY: Bye.

12 (Indiscernible.) A la chica.

13 MR. CALLIER: Hello?

14 (Audio stopped.)

15 Q. (BY MR. NEVAREZ) Okay. So he sent you an  
16 application via email, and you confirm your receipt  
17 right on that phone call, right?

18 A. Yes, sir.

19 Q. So at that point in time, you already knew who  
20 the lender was. You accomplished what you said you were  
21 meaning to accomplish.

22 A. That's not correct.

23 Q. Okay. So you didn't know who the lender was?

24 A. Absolutely not.

25 Q. Didn't he identify himself as JaScott



1 organization?

2 A. JaScott didn't make a loan to me --

3 Q. No.

4 A. -- an offer to me.

5 Q. Did they -- but you -- he told you he was  
6 representing JaScott org, right?

7 A. Yes, he did.

8 Q. Okay. So at that point in time, you knew who  
9 the -- who the purported lender was supposed to be,  
10 right?

11 A. No.

12 Q. No?

13 A. No.

14 Q. Okay. But you got the application, right, via  
15 DocuSign? You confirmed that.

16 A. Yes.

17 Q. And that told you who the lender was.

18 A. No.

19 Q. No?

20 A. No.

21 MR. MILTENBERGER: Is there a question?  
22 Objection.

23 Q. (BY MR. NEVAREZ) So -- so you still didn't  
24 know who the lender was?

25 A. Correct, I did not know who the lender was.

1 Q. When did you find out who the lender was?

2 A. When I received a contract that had Pac Western  
3 in it -- on it. That was the lender.

4 Q. Okay. So now, let me ask you about this: Why  
5 did you not tell Mark Fawzy, "Do not ever call me again.  
6 I'm on the do-not-call registry. Do not ever call me  
7 again"? Why didn't you tell Mark Fawzy that right then  
8 and there?

9 A. I wanted to find out who the lender was.

10 Q. Oh, what you had already found out, that he was  
11 going to send you an application. Why did you not tell  
12 him, "Do not ever call me again. I'm on the do-not-call  
13 registry"?

14 MR. MILTENBERGER: Objection, asked and  
15 answered.

16 You can answer it one more --

17 THE WITNESS: Okay.

18 MR. MILTENBERGER: -- time.

19 A. I wanted to find out who the lender was.

20 Q. (BY MR. NEVAREZ) Okay. Well, you -- you  
21 didn't ask him who's -- you didn't ask Mark Fawzy, "Who  
22 is the lender?" You just -- he said he was going to  
23 send you an application. He wanted to find out if you  
24 wanted to pay by the month or -- or by the week. He  
25 discussed the 50,000.

1                   You didn't ask -- why didn't you ask him,  
2 "Who is the lender?" "All I want to do is find out who  
3 the lender is," why didn't you ask him that? Why didn't  
4 you tell him that?

5           A.    Right. Most likely, he would have not told me  
6 who the lender was.

7           Q.    No.

8                   Why did you not ask him --

9           A.    I just told you why.

10          Q.    -- who was the lender?

11          A.    I just --

12                   MR. MILTENBERGER: Hold on. Wait until  
13 he -- wait until he finishes his question.

14                   THE WITNESS: Oh, okay. I'm sorry.

15                   MR. MILTENBERGER: And I'm going to object  
16 to it. It was asked and answered.

17                   MR. NEVAREZ: Okay.

18                   MR. MILTENBERGER: You can't argue with  
19 him. You can ask a question.

20                   MR. NEVAREZ: I'm not arguing with him.  
21 He --

22                   MR. MILTENBERGER: Well --

23                   MR. NEVAREZ: I -- he says he wanted to  
24 find out.

25          Q.    (BY MR. NEVAREZ) Why didn't you ask him, "All

1 I want to do is find out who the lender is. I'm not  
2 interested in a loan"?

3 MR. MILTENBERGER: Objection, asked and  
4 answered. He just answered that.

5 Q. (BY MR. NEVAREZ) You still have to answer.  
6 He's got his objection.

7 A. Okay. Real simple.

8 MR. MILTENBERGER: You can have the court  
9 reporter read back your previous answer, if you want.

10 MR. SHARPE: You don't have to --

11 MR. NEVAREZ: No. No. He's --

12 MR. MILTENBERGER: Wait a second.

13 MR. NEVAREZ: This is --

14 MR. MILTENBERGER: Are you speaking?

15 MR. NEVAREZ: You've got your objection on  
16 the record. He has to answer, or are you telling him  
17 not to answer?

18 MR. MILTENBERGER: No, I'm not.

19 But I'm asking is -- I forget your name,  
20 but are you -- are you representing the wit- -- or  
21 the -- the defendant in this case?

22 MR. NEVAREZ: No. I told you he's just  
23 here, my -- he's my associate.

24 MR. MILTENBERGER: Okay.

25 MR. NEVAREZ: He's helping me, okay?

1 MR. MILTENBERGER: Okay. Well, then he  
2 should not speak and make objections during the --

3 MR. NEVAREZ: He didn't make an  
4 objection.

5 MR. MILTENBERGER: Well, he did speak  
6 during the deposition.

7 MR. NEVAREZ: He did. Okay.

8 MR. MILTENBERGER: Okay. So --

9 MR. NEVAREZ: He won't --

10 MR. MILTENBERGER: And I don't appreciate  
11 your associate telling me how to make objections. If  
12 you -- you and I want to have an exchange, we can --

13 MR. NEVAREZ: He didn't tell you how to  
14 make an objection, sir.

15 MR. MILTENBERGER: Okay.

16 Q. (BY MR. NEVAREZ) Okay.

17 A. Sir, written proof of who the lender is is  
18 undeniable, so I wanted written proof.

19 Q. Okay. Well, that still doesn't answer my  
20 question.

21 A. It does answer your question, sir.

22 Q. Why didn't you tell him, "I -- I -- I -- I need  
23 to know who the lender is"?

24 MR. MILTENBERGER: Objection, asked and  
25 answered. He just answered you that.

1 MR. NEVAREZ: No, he didn't. No, he  
2 hasn't. He's -- he -- he -- his answer was  
3 nonresponsive.

4 THE WITNESS: Sir --

5 MR. MILTENBERGER: You may not have liked  
6 the answer, but he gave you an answer. You can't keep  
7 asking the same question over and over.

8 MR. NEVAREZ: Until he gives me an answer,  
9 I can.

10 MR. MILTENBERGER: Well, he's given you an  
11 answer.

12 MR. NEVAREZ: Okay. Do you have an  
13 objection?

14 MR. MILTENBERGER: You don't like the  
15 answer.

16 MR. NEVAREZ: State your objection, and  
17 then we'll move on.

18 MR. MILTENBERGER: Yes. I stated it.

19 MR. NEVAREZ: Okay.

20 MR. MILTENBERGER: Asked and answered.

21 MR. NEVAREZ: All right.

22 Q. (BY MR. NEVAREZ) Why didn't you tell him that  
23 you -- you needed to know who the lender was?

24 A. I wanted --

25 MR. MILTENBERGER: Objection, asked and

1 answered.

2 A. -- written proof of who the lender was.

3 Q. (BY MR. NEVAREZ) Well, why didn't you tell  
4 him, "I need written proof of who the lender was" -- or  
5 "is"?

6 A. I did not feel the need to tell him that  
7 because filling out a contract and getting an  
8 application -- excuse me -- and getting a contract is an  
9 unequivocal way of finding out who the lender is.

10 Q. Okay. So you're discussing \$50,000. Is that  
11 for a personal loan?

12 A. It is to find out who the lender is.

13 Q. So you were pretending, trying to get a loan in  
14 order to find out who the lender was?

15 A. In order to find out what company was at the --  
16 was behind the numerous phone calls I had received. The  
17 lender.

18 Q. Well, why were you pretending -- why is it  
19 necessary to find out who the lender is by pretending  
20 that you want a \$50,000 loan?

21 A. Because the application that JaScott sent over  
22 did not list Pac Western as the lender. And on the  
23 phone call, Mr. Fawzy did not say he's calling on behalf  
24 of Pac Western to loan -- to make the loan.

25 Q. It doesn't -- that -- that's not the question.

1                   Why are you pretending to -- to get a  
2 \$50,000 loan in order to get an application?

3                   MR. MILTENBERGER: Objection, asked and  
4 answered. He was trying to find out --

5                   MR. NEVAREZ: No.

6                   MR. MILTENBERGER: -- who the lender was.

7                   MR. NEVAREZ: It's not responsive. You've  
8 got your objection.

9                   A. Sir, I've asked -- I've given you essentially  
10 the same answer each and every time you've asked me.  
11 I'm not going to change my answer, the substance of it.  
12 I wanted to know who the lender was.

13                   I did not know who the lender was because  
14 JaScott did not identify -- who on the phone call did  
15 not identify what company they were calling on behalf of  
16 to make a loan, nor did they have it in their email, nor  
17 did they have it on the application, so I had no idea  
18 who the lender was.

19                   Q. (BY MR. NEVAREZ) But if you didn't want a  
20 loan, why didn't you just tell him, "Frankly, I don't --  
21 I don't want a \$50,000 loan. I don't -- I don't care  
22 who the lender is. I don't need 50,000, so let's not  
23 talk about 50,000 or an application or a loan"? Why  
24 didn't you just tell him that?

25                   A. I've answered your question.



1 Q. No. Answer it again.

2 A. I wanted to find out who the lender was.

3 Q. Okay. So why did you not tell him, Mr. Fawzy,  
4 at that point in time, "I'm on the do-not-call registry.  
5 Do not ever call me again"?

6 A. I told Mr. Fawzy that at a later time. I told  
7 him that multiple times, and he ignored it.

8 Q. Well, you didn't tell him in this call, did  
9 you?

10 A. No, I did not.

11 Q. Okay. Why not?

12 A. I wanted to find out who the lender was.

13 Q. Well, it doesn't matter who the lender is. Why  
14 did you not tell him, "Do not ever call me again"?

15 MR. MILTENBERGER: Asked and answered,  
16 objection.

17 A. I'm going to tell you the same thing over and  
18 over. I wanted to find out who the lender was.

19 Q. (BY MR. NEVAREZ) Okay. Well, let me ask you  
20 this: If you had told Mr. Fawzy, "Do not ever call me  
21 again," is it possible that that would have been the end  
22 of your conversations with him?

23 A. I'm going to answer your question, but this is  
24 pure speculation. Based on the fact that later on I  
25 told him in a text message, "Do not ever call or text me

1 again," and he called and text me some 60 or 70 times  
2 after that, I'm going to suspect that the answer is no.

3 Q. Okay. Well, so you did not comply with the  
4 do-not-call registry requirement of telling the caller,  
5 "Do not ever call me again"; is that correct?

6 MR. MILTENBERGER: Objection --

7 A. That is not correct.

8 Q. (BY MR. NEVAREZ) Do you want me to play the  
9 audio back again?

10 A. Well, sir, you didn't specify if you meant on  
11 that phone call or ever.

12 Q. It's -- this is what we're talking about, sir.

13 A. Okay.

14 Q. This is what we're talking about. Do you want  
15 me to play you the call --

16 A. The --

17 Q. -- over again?

18 A. No, you don't --

19 MR. MILTENBERGER: Objec- -- hold on. Hold  
20 on.

21 Objection to the form of the question, to  
22 the extent it requires a legal conclusion about  
23 complying with the do-not-call registry. If you want to  
24 add -- ask facts about what was said on the  
25 conversation, that's proper.

1 Q. (BY MR. NEVAREZ) Do you want me to play the --  
2 the call back over again?

3 A. No. I have your answer, sir.

4 Q. No. I'm not giving you an answer. I'm trying  
5 to --

6 A. No. No.

7 Q. -- get your answer.

8 A. I'm telling you I'm going to answer your  
9 question.

10 Q. You did -- is it true that you did not tell  
11 Mark Fawzy, "Do not ever call me again. I'm on the  
12 do-not-call registry"?

13 A. On that phone call?

14 Q. Yes.

15 A. That is true, I did not tell him that.

16 Q. Okay. Is it your testimony that you had told  
17 him prior to this call?

18 A. No. I did not tell him that prior to this  
19 call.

20 Q. Okay. All right.

21 A. It is my testimony --

22 MR. MILTENBERGER: Objection,  
23 nonresponsive.

24 THE WITNESS: Oh, okay.

25 A. It is my testimony that it's Mr. Fawzy's

1 responsibility to check the do-not-call registry prior  
2 to calling me. It is not my responsibility to tell him  
3 at that point in time. He should have called -- he  
4 should have checked prior to calling me.

5 MR. MILTENBERGER: Objection,  
6 nonresponsive, move to strike.

7 Q. (BY MR. NEVAREZ) But you -- you -- you pursued  
8 a discussion about getting a \$50,000 loan, purportedly.  
9 That was the representation, that this whole loan  
10 application was for \$50,000, right?

11 A. If that's what Mr. Fawzy says on the audio.

12 Q. Well, he does say 50,000, and you don't say,  
13 "No, I'm not -- I'm not interested in 50,000. I'm not  
14 interested in any loan. Do not ever call me again."  
15 You just allowed him to continue the discussion about  
16 the \$50,000 loan; isn't that correct?

17 A. Yes.

18 Q. And you did not tell him, "Do not call,"  
19 regardless of whose responsibility it is.

20 A. On that phone call, no, I did not.

21 Q. Okay. And you hadn't told him prior to this  
22 phone call.

23 A. No.

24 Q. "No," what?

25 A. No, I did not.

1 Q. Okay. So let me direct your attention now to,  
2 again, Exhibit A, Exhibit Number 3, which is on Bates  
3 page 5 and goes on to Bates page 6. You see that?

4 A. Yes, sir.

5 Q. Okay. And that's a copy of an email from you  
6 to Mr. Fawzy, "Subject: Re: Funding officers [sic]."  
7 You see that?

8 A. Yes.

9 Q. Dated April 9, 2022. You see that?

10 A. Yes.

11 Q. Okay. And then so your reply to -- this is  
12 your reply to Mr. Fawzy, right?

13 A. (No verbal response.)

14 Q. Is that your email address?

15 A. I would have to look, sir.

16 Yes, that's my email address. It looks  
17 like it's a reply from me to Fawzy.

18 Q. Okay. And that your email address is  
19 callier74@gmail.com.

20 A. Yes.

21 Q. And -- and your reply is dated April 9th of  
22 2022, right?

23 A. Yes.

24 Q. And -- and that's the day after this phone  
25 call.

1 A. Yes.

2 Q. And that phone call was April 8th, right?

3 A. Yes.

4 Q. Okay. And Mr. Fawzy's email to you on this  
5 Bates page 6 says, "Here is the link for the lending  
6 application. Please click on this and -- and filled it  
7 out." And then the link is entitled "Complete Lending  
8 Application." You see that?

9 A. Yes.

10 Q. Okay. And then it's got -- so he's sending you  
11 the application, as he stated in that audio telephone  
12 call.

13 A. Yes.

14 Q. Okay. So -- and your reply was, "Here are the  
15 statements." And if -- you have four attachments as a  
16 ZIP file; is that correct?

17 A. Appears to be correct.

18 Q. And so there's -- there's a January statement,  
19 there's a February statement, and then there's two other  
20 files, "20220331-statements-55" and then  
21 "20211231-statements-55." So your response to  
22 Mr. Fawzy's lending application was sending him four  
23 bank statements.

24 A. Yes.

25 Q. And so why did you not reply, "Who is the

1 lender?"

2 A. Because I felt like the best way to find out  
3 the lender was to get it in writing via a funding offer.

4 Q. Well, this is a written email document, right?  
5 I mean, you print it out.

6 A. Yeah.

7 Q. You've got it in writing.

8 A. Sir, if you can point to me --

9 MR. MILTENBERGER: Well, objection --

10 THE WITNESS: Sorry.

11 MR. MILTENBERGER: -- to the form. Was  
12 there a question pending when you said "you've got it in  
13 writing"?

14 MR. NEVAREZ: No. He -- he answered before  
15 I finished my question.

16 THE WITNESS: Sorry.

17 MR. MILTENBERGER: Okay. You got to let  
18 him finish his question so we'll --

19 THE WITNESS: Sorry.

20 MR. MILTENBERGER: -- know what question  
21 you're answering.

22 THE WITNESS: Okay.

23 MR. MILTENBERGER: So please wait until he  
24 finishes his question.

25 THE WITNESS: Yes.

1 Q. (BY MR. NEVAREZ) So this is a written  
2 document, right? I mean, you print it -- you can print  
3 it out. It comes into your computer. You can print it  
4 out. It's a written document, satisfying one of your  
5 criteria.

6 MR. MILTENBERGER: Objection to the form.

7 Q. (BY MR. NEVAREZ) Is that correct?

8 A. That's not close to correct, no, sir.

9 Q. Okay. Well, you wanted to find out who the  
10 lender was in writing.

11 A. Sir --

12 MR. MILTENBERGER: Objection, form.

13 Q. (BY MR. NEVAREZ) Is that correct?

14 MR. MILTENBERGER: Is there a question?

15 Q. (BY MR. NEVAREZ) Is that correct or not?

16 A. That is correct.

17 Q. Okay. So why did you not reply to Mr. Fawzy  
18 and say, "Tell me in writing via email who the lender  
19 is"?

20 MR. MILTENBERGER: Objection, asked and  
21 answered.

22 Q. (BY MR. NEVAREZ) He's got his objection. It's  
23 your --

24 A. Okay. I have no faith at all that had I said,  
25 "Who is the lender," Mr. Fawzy would have emailed me



1 back and said "Pac Western."

2 Q. Well, I -- I haven't heard anything about  
3 Pac Western at this point in time. How did you come up  
4 with Pac Western back then?

5 A. I filled out an application, this application,  
6 and I received from Mr. Fawzy a funding contract from  
7 Pac Western.

8 Q. So that told you who the lender was, right?

9 A. That was --

10 Q. When you -- when you clicked on the  
11 application, you discovered it was Pac Western, right?

12 A. No.

13 Q. No?

14 A. No.

15 Q. How -- how did you discover it was Pac Western?

16 A. When Pac Western sent over the con- -- when  
17 Mr. Fawzy sent the -- the contract offer.

18 Q. Now, what was the link?

19 A. Your --

20 Q. What was the link? Was -- was that not a link  
21 to an application for a Pac Western loan?

22 A. No, it was not.

23 Q. What was it for?

24 A. To the best of my recollection -- I don't have  
25 it in front of me, but I know for absolute fact that it

1 did not say "Pac Western" on there. I'm almost certain  
2 it -- doing this from a year ago -- that it -- or over a  
3 year ago -- that it said "JaScott" on the application.  
4 I don't know that to be fact, but I do know that nowhere  
5 in any of this did it say the lender was Pac Western.

6 Q. Okay. Well, but it -- but your testimony is  
7 that when you clicked on the link, it said "JaScott  
8 Investments." Is that correct? Is that your testimony?

9 A. It -- that is to the best of my recollection.

10 Q. Okay. So then at -- at that point in time, you  
11 knew who -- if not -- that the lender was -- may be  
12 JaScott Investments, right?

13 A. No.

14 Q. You didn't know? Okay.

15 Well, then, why didn't you reply to  
16 Mr. Brandon Callier [sic] and says, "This link opens up  
17 a JaScott Investments application. Who is the lender?"  
18 Why did you not reply to -- to Mr. Fawzy and ask him  
19 that?

20 A. It didn't cross my mind, sir.

21 Q. Okay. Why did you not reply to this email and  
22 say, "Do not ever call me again. I am on the  
23 do-not-call registry"?

24 A. I was in the process of doing reasonable  
25 investigation to find out who the lender was.

1 Q. Okay. So as of April 9, your second contact  
2 with Mr. Fawzy, you still had not told him, "Do not call  
3 me ever again. I am on the do-not-call registry"; is  
4 that correct?

5 A. That is correct.

6 Q. Okay. Let's move on to the next page of  
7 Exhibit A, which is JaScott-7. Do you see that?

8 A. Yes.

9 Q. That's your -- would you identify what that is?

10 A. That is a March statement, business checking  
11 statement for Gonna Keep on Truckin, LLC.

12 Q. Okay. And who is Gonna Keep on Truckin, LLC?

13 A. It's a company I do the taxes for.

14 Q. I see. Okay.

15 And did they authorize you to pursue a  
16 loan, or why did you provide Mr. Fawzy these particular  
17 bank statements?

18 MR. MILTENBERGER: Objection, form of the  
19 question.

20 A. I submitted those bank statements in an attempt  
21 to find out who the lender was. Yes, I was authorized  
22 to submit those bank statements.

23 Q. (BY MR. NEVAREZ) I see.

24 So Gonna Keep on Truckin authorized you to  
25 submit these bank statements to Mr. Fawzy as part of a

1 loan application?

2 A. As part of an investigation.

3 Q. Okay. So they were -- and who at Mr. -- at  
4 Gonna Keep on Truckin authorized you to do that?

5 A. George Duron, D-U-R-O-N.

6 Q. Now, did you tell Mr. Duron, "We're not really  
7 looking for a loan. I'm just going to continue to have  
8 these discussions with Mr. Fawzy or JaScott because I  
9 want to find out who the lender is"?

10 A. I told Mr. Duron that I was not going to take a  
11 loan in his company's name, and I was submitting the  
12 application and the statements simply as part of an  
13 investigation.

14 Q. And he agreed to go along with your pretending  
15 to want to get a loan?

16 A. He agreed to allow me to use the bank  
17 statements.

18 Q. Okay.

19 A. He said --

20 Q. So he was complicit with your actions.

21 A. I don't know what you mean by "he was complicit  
22 with my actions."

23 Q. He agreed to you pretending to get a loan from  
24 Mark Fawzy.

25 A. He agreed to me using his company bank

1 statements to find out who the lender was.

2 Q. I see. Without ever wanting a loan.

3 A. He knew that I had no intention of using his  
4 business to procure money via a loan.

5 Q. And he approved that.

6 A. Yes, he approved it.

7 Q. Okay. So that bank statement from Gonna Keep  
8 on Truckin, that's Bates page 7 through 14; is that  
9 correct?

10 A. To the best of my knowledge, it looks correct  
11 to me.

12 Q. Well, Bates stamp 14 is page 8 of 8, and that's  
13 the March 2022 bank statement, right?

14 A. Correct, sir.

15 Q. So Bates stamp 15 is the January bank  
16 statement; is that correct?

17 A. Yes, sir.

18 Q. And that's -- that goes -- continues to Bates  
19 stamp 22.

20 A. Okay.

21 Q. Is that correct?

22 A. Yes.

23 Q. Okay. And this is the February -- I'm sorry --  
24 the January 2022 bank statement that Mr. Duron provided  
25 you.

1 A. Yes.

2 Q. Okay. Now, moving on to Bates stamp 23, that's  
3 the first page of the bank -- of the February 2022 bank  
4 statement, page 1 of 8, Bates stamp 23, and that  
5 continues to Bates stamp 30?

6 A. Okay.

7 Q. Is that correct?

8 A. Yes.

9 Q. And then Bates stamp 31, that's the Decem- --  
10 ELECTRONIC DEVICE: I didn't understand  
11 that.

12 MR. NEVAREZ: I'm sorry.

13 Q. (BY MR. NEVAREZ) Bates stamp 31, that's the  
14 first page of the December 2021 bank statement, and that  
15 continues on to December -- I'm sorry -- to Bates stamp  
16 38?

17 A. Yes.

18 Q. And you -- and your testimony is that you  
19 provided these to try to find out who the lender was.

20 A. Yes.

21 Q. So you're providing -- your testimony is you're  
22 providing bank statements to somebody without even  
23 knowing who the lender is to get a loan?

24 A. I provided bank statements to JaScott to find  
25 out who JaScott was calling to lend on behalf of.

1 Q. Okay. Well, why did you at no time prior to  
2 submitting the bank statements tell Mr. Fawzy, "I ain't  
3 giving you anything until you tell me who the lender  
4 is"?

5 A. I went along -- played along with Mr. Fawzy to  
6 find out who the lender was. Behaving in the manner in  
7 which you've been describing would not have furthered my  
8 investigation, in my opinion, as I was attempting to  
9 find out who the lender was.

10 Q. And what was the goal of -- your goal of trying  
11 to find out who the lender was?

12 A. To find out on whose behalf JaScott is  
13 violating the TCPA on behalf of.

14 Q. Well, if -- if JaScott was violating the TCPA,  
15 what difference or matter who else was involved in  
16 violating the TCPA? Why did you not tell Mr. Fawzy,  
17 "You're violating the TCPA because I'm on the  
18 do-not-call registry. Do not ever call me again" --

19 MR. MILTENBERGER: Objection --

20 Q. (BY MR. NEVAREZ) -- instead of sending him the  
21 bank statements?

22 A. Can you rephrase that? Because I -- I heard  
23 multiple questions in -- in there.

24 Q. Instead of sending Mr. Fawzy the bank  
25 statements, why didn't you tell him, "I'm not going to

1 get involved in this. JaScott is -- is trying to  
2 solicit a loan from me. I'm on the do-not-call  
3 registry. Do not ever call me again"? Why didn't you  
4 tell him that instead of sending him the bank  
5 statements?

6 A. Sir, I handled it in the way I best saw fit at  
7 the time. I wanted to find out who the lender was.  
8 Behaving in the manner in which you're saying is not  
9 going to help me further that cause.

10 Q. What -- and the cause was to find out who the  
11 lender was?

12 A. That is why I filled out that application.

13 Q. Okay. But you already knew that JaScott was  
14 purportedly violating the TCPA; is that correct?

15 A. Yes.

16 Q. And you already knew Mr. Mark Fawzy, on behalf  
17 of JaScott, was purportedly violating the TCPA, right?

18 A. One more time.

19 Q. You already knew that Mr. Fawzy was purportedly  
20 violating the TCPA by calling you.

21 A. Yes.

22 Q. Okay. So you already knew that two people or  
23 two entities -- jascott.org, JaScott Investments, and  
24 Mark Fawzy -- were supposedly violating the TCPA, right?

25 A. Yes.



1 Q. Okay. So recognizing that there are  
2 violations, supposedly, of the TCPA by JaScott  
3 Investments and Fawzy, why didn't you tell him, "Okay.  
4 Stop calling me. I am on the do-not-call registry"?

5 A. For the 15th time, at least, I wanted to find  
6 out who the lender was.

7 Q. For what reason? To -- to add an additional  
8 pers- -- entity that -- in the violation of --  
9 purportedly, of the TCPA?

10 A. Well, if you're going to hold people  
11 accountable, then you should hold everyone accountable,  
12 so I wanted to find out what lender was behind the phone  
13 calls.

14 Q. Okay. So -- so you remained silent and  
15 continued on with pretending that you wanted a loan  
16 aft- -- after the -- you submitted the bank statements.

17 A. Is that a question?

18 Q. Yes.

19 A. Can you rephrase it?

20 Q. Did you continue on pretending that you wanted  
21 a loan, even though you didn't want a loan?

22 A. I wanted to find out who the lender was, so I  
23 did not tell Mr. Fawzy anything other than what I needed  
24 to say to find -- to eventually get sent a contract.

25 Q. Okay. But you didn't want a loan personally,

1 and neither did Gonna Keep on Truckin, but, yet, you  
2 pretended that you wanted a loan.

3 MR. MILTENBERGER: Objection. Is that a  
4 question?

5 Q. (BY MR. NEVAREZ) Is that not correct?

6 A. I wanted to find out who the lender was.

7 Q. But you never asked who the lender was. You  
8 never asked him in the -- in the phone call, you never  
9 asked him via email, "Who is the lender?"

10 MR. MILTENBERGER: You're just arguing with  
11 him.

12 Q. (BY MR. NEVAREZ) Right? Is that --

13 MR. MILTENBERGER: Ask the facts.

14 Q. (BY MR. NEVAREZ) Is that --

15 MR. NEVAREZ: Well, please stop  
16 interrupting my -- my questions, okay?

17 MR. MILTENBERGER: Well, I'm trying to find  
18 a question --

19 Q. (BY MR. NEVAREZ) Is that not correct?

20 MR. MILTENBERGER: -- in there.

21 MR. NEVAREZ: Mr. Miltenberger, please stop  
22 interrupting, okay?

23 MR. MILTENBERGER: Continue on.

24 Q. (BY MR. NEVAREZ) Is that not correct?

25 A. Can you repeat the question?

1 MR. NEVAREZ: Would you please repeat the  
2 question?

3 (Question read as follows: But you never  
4 asked who the lender was. You never asked  
5 him in the -- in the phone call, you never  
6 asked him via email, "Who is the lender?")

7 MR. MILTENBERGER: Objection, compound  
8 question. Object to the form.

9 Q. (BY MR. NEVAREZ) And then the end of -- the  
10 end of that was, is that not correct?

11 A. I did not ask him who the lender was.

12 Q. Okay. But, yet, you continued to pretend that  
13 you were looking for a loan when you really weren't.

14 A. Yes.

15 Q. And neither was Gonna Keep on Truckin.

16 A. Correct.

17 MR. MILTENBERGER: Do you need to take a  
18 break?

19 THE WITNESS: My back's just hurting,  
20 but --

21 MR. NEVAREZ: Do you want to take a break?

22 THE WITNESS: No. No. No.

23 MR. NEVAREZ: That's fine. We can take a  
24 break.

25 THE WITNESS: No. No. No.

1 MR. SHARPE: I could use a break.

2 MR. MILTENBERGER: Take five minutes.

3 MR. NEVAREZ: I -- I need to -- I could  
4 use -- go to the rest room.

5 THE VIDEO TECHNICIAN: Off the record at  
6 11:25.

7 (Break taken.)

8 THE VIDEO TECHNICIAN: And we are back on  
9 the record at 11:35 a.m.

10 Q. (BY MR. NEVAREZ) Okay, Mr. Callier. You're --  
11 you're on the exact page I wanted to point you to.  
12 Thank you. Bates stamp page 54 --

13 A. Yes, sir.

14 Q. -- of this Exhibit A. Is that the loan  
15 application that you submitted and filed via DocuSign?

16 A. It appears to be, yes.

17 Q. Okay. Now, you identify yourself as -- "legal  
18 company (& d/b/a): Gonna Keep on Truckin, LLC." And  
19 in -- you indicated there that -- about in the middle,  
20 "requested financing amount: 60,000"; is that correct?

21 A. Yes.

22 Q. And that -- that's your DocuSign signature at  
23 the bottom of that --

24 A. Yes.

25 Q. -- quiz?

1 A. Yes.

2 Q. Yes. Okay.

3 So this was -- according to the -- on -- on  
4 the right-hand side, "use of funds," you indicated that  
5 the use of the funds was going to be for more trucks?

6 A. Yes.

7 Q. So -- and then under "business owner  
8 information," you indicated "full name: Brandon  
9 Callier," hundred percent ownership.

10 A. Yes.

11 Q. But you -- you weren't the owner, were you?

12 A. No.

13 Q. So this is a false statement.

14 A. It was a statement submitted in order to find  
15 out who the lender was.

16 Q. It was a false statement. You were not the  
17 owner.

18 A. No, I was not.

19 Q. You -- you were not a hundred percent owner of  
20 Gonna Keep on Truckin, LLC; is that correct?

21 A. Correct.

22 Q. And then under "cell phone," you put down  
23 "(915) 383-4604." That's your personal cell phone  
24 number?

25 A. That's what -- yes.

1 Q. Okay. And then below that is your email  
2 address, callier74@gmail.com, right?

3 A. Yes.

4 Q. And then on the very bottom left-hand corner,  
5 "title: owner." You're representing yourself as the  
6 owner of Gonna Keep on Truckin, right?

7 A. Yes.

8 Q. And that's not true, is it? That's not  
9 correct.

10 A. Correct. I'm not the owner of Gonna Keep on  
11 Truckin.

12 Q. Now, did -- and did Mr. George Duron, the owner  
13 of Gonna Keep on Truckin, LLC, did he review this loan  
14 application?

15 A. No, he did not.

16 Q. Did he approve you -- you submitting this loan  
17 application?

18 A. Yes, he did.

19 Q. Did he approve for you to misstate that you  
20 were the hundred percent owner?

21 A. Yes.

22 Q. Did he approve that you apply for \$60,000 for  
23 more trucks, even though he never wanted the money?

24 A. He approved that I apply with the intention of  
25 never taking a loan of any sort.

1 Q. I see.

2 And for how many other loans has Mr. Duron  
3 allowed you to use his bank statements in order to  
4 conduct these investigations of yours?

5 A. I want to say four, maybe five others.

6 Q. Okay. And those are all in the Western  
7 District of Texas?

8 A. I -- I did not sue all of those companies.

9 Q. Oh, okay. And why not?

10 A. Because not all of them received text messages  
11 from me saying, "Don't ever call or text me again," and  
12 then continued to call and text me.

13 Q. Okay. So -- so now you've -- now you've got a  
14 DocuSign loan application sent to you, and at the top  
15 left-hand corner, it says "JaScott."

16 A. Yes, sir.

17 Q. You see that?

18 A. Yes, I see that.

19 Q. So now you've found out who is -- is involved  
20 in the loan application process.

21 A. No, sir.

22 Q. Well, they sent you a loan application that you  
23 filled out.

24 A. Sir, as stated before, I wanted to find out who  
25 the lender was. That is nowhere on this application.

1 Q. It doesn't matter.

2 A. Okay.

3 Q. It says on the top left-hand corner "JaScott."

4 A. Uh-huh.

5 Q. They provided you a loan application as part of  
6 the loan application process for a business loan on  
7 behalf of Gonna Keep on Truckin, LLC; is that correct?

8 A. Yes. They provided me that application.

9 Q. Okay. So why did you not then and there sue  
10 JaScott and Mark Fawzy?

11 A. As stated previously numerous times, I wanted  
12 to find out who the lender was.

13 Q. Okay. But you -- you understand you're --  
14 you're designated as a serial litigator. In other  
15 words, you have a whole history of filing lawsuits based  
16 on the TCPA.

17 A. I have a history --

18 MR. MILTENBERGER: Would you -- just a  
19 second.

20 Q. (BY MR. NEVAREZ) Is that correct? Is that  
21 correct?

22 A. No, sir.

23 Q. You haven't filed TCPA lawsuits before?

24 A. Yes, I've filed TCPA lawsuits.

25 Q. In fact, you've filed many TCPA lawsuits; is



1 that not correct?

2 A. Depending upon what the definition of "many"  
3 is, that could be correct.

4 Q. Dozens?

5 A. Yes.

6 Q. Okay. You -- so you have filed dozens of TCPA  
7 lawsuits.

8 A. Yes.

9 Q. And, in fact, didn't the Western District of  
10 Texas categorize you or indicate that you were a serial  
11 TCPA litigator?

12 A. No, sir.

13 Q. No?

14 A. No.

15 Q. You -- you didn't read the -- the -- the most  
16 recent order that was issued wherein the Court indicated  
17 that you were a serial TCPA litigator?

18 A. I don't recall the Court labeling me a serial  
19 TCPA litigator.

20 Q. Well, they used the word "serial."

21 A. Okay.

22 Q. Do you remember the Court --

23 A. No, I don't remember that order.

24 Q. Okay. Well, it's in the record.

25 MR. MILTENBERGER: Objection. Is that a

1 question?

2 Q. (BY MR. NEVAREZ) So as a serial litigator,  
3 familiar with TCPA litigation, why didn't you sue  
4 JaScott and Fawzy and then later on add the lender that  
5 you were interested in figuring out who it was?

6 MR. MILTENBERGER: Objection to the form of  
7 the question, assumes facts not in evidence.

8 A. I had no idea who the lender was and was in no  
9 position to sue the lender.

10 Q. (BY MR. NEVAREZ) But you already admitted that  
11 JaScott and Fawzy purportedly had already violated the  
12 TCPA; isn't that correct?

13 A. JaScott was not the lender.

14 Q. It doesn't matter.

15 A. And JaScott was calling on behalf of some other  
16 company, entity, to make a loan. I wanted to find out  
17 who that entity was.

18 Q. Okay. But is it not your position that as of  
19 this April 8th, 2022, date, you already thought that  
20 JaScott was a violator of the TCPA?

21 A. Yes.

22 Q. And you also believed that Fawzy was violating  
23 the TCPA.

24 A. My belief, then and now, is that Fawzy was an  
25 employee and/or authorized agent of JaScott, and they

1 are -- and -- and, essentially, one and the same entity,  
2 so I don't make a distinction between Fawzy and JaScott.  
3 What I was trying to find out was who the lender was,  
4 because they were violating it on behalf of some other  
5 entity.

6 Q. Okay. But -- but -- but your position at this  
7 point was -- was that JaScott was vi- -- had already  
8 violated the TCPA -- is that not correct -- as of this  
9 date?

10 THE WITNESS: Would you read back my answer  
11 to that question? He's asked -- he's asked me that like  
12 ten times.

13 Q. (BY MR. NEVAREZ) No. No. No. At this -- as  
14 of this date, April 8th, 2022, is it your position that  
15 JaScott was already violating the TCPA?

16 A. I answered that a minute ago. Yes.

17 Q. Okay. And by the same token, regardless of  
18 whether you think Fawzy and JaScott are one and the  
19 same, as of this date, did you not also think that  
20 Fawzy -- Fawzy was also in violation of the TCPA?

21 A. I believed that Fawzy worked for JaScott, and  
22 JaScott was responsible. I believed that Fawzy was  
23 violating the TCPA on behalf of JaScott.

24 Q. Oh, so -- so at this point in time, both  
25 JaScott and Fawzy were, in your opinion, in violation of

1 the TCPA.

2 A. Yes.

3 Q. Okay. Why did you not sue them at that point  
4 in time and then later on add the lender that you didn't  
5 know who it was?

6 MR. MILTENBERGER: Objection, asked and  
7 answered.

8 A. Sir --

9 MR. NEVAREZ: No, he didn't answer it  
10 and --

11 A. I've answered -- I've ans- -- I've answered  
12 this question repeatedly. I wanted to find out who the  
13 lender was, so I went along with JaScott and Fawzy in  
14 this process. I don't know how else to explain that to  
15 you.

16 Q. (BY MR. NEVAREZ) Okay. So you continued to  
17 pretend that you wanted a business loan to find out who  
18 the lender was on a loan that you didn't -- never  
19 intended to take out?

20 MR. MILTENBERGER: Objection. Is there a  
21 question?

22 Q. (BY MR. NEVAREZ) Is that correct? Is that  
23 what you were doing? You continued to --

24 A. I was --

25 Q. Did you continue to pretend that you were

1 looking for a 60,000 business loan --

2 A. I continued --

3 Q. -- in order to find out who the lender was,  
4 even though you never intended to -- to close on the  
5 \$60,000 loan?

6 A. I in- -- I took reasonable measures to find out  
7 who the lender was because, as you can see in this loan  
8 application, nowhere in here does it say "Pac Western."  
9 Nowhere in any of the emails did it say "Pac Western."  
10 Pac Western was the lender. Pac Western is not listed  
11 in this loan application.

12 Q. So you continued pretending that you wanted the  
13 \$60,000 loan, that you never intended to close on, to  
14 find out who the lender was going to be?

15 MR. MILTENBERGER: Objection. Is there a  
16 question there.

17 Q. (BY MR. NEVAREZ) Is that correct?

18 MR. MILTENBERGER: It's -- objection, asked  
19 and answered.

20 A. I've been telling you the same thing for -- I  
21 don't know -- an hour. I wanted to find out who the  
22 lender was. Who the lender was was not disclosed to me  
23 on this loan application that you just provided to me.  
24 It's part of the record. It's part of the evidence. It  
25 does not say "Pac Western" anywhere in here.

1           The way I found -- the -- the way I was  
2 going to find out was -- how I find -- found out, by  
3 submitting this application and getting a contract offer  
4 from Pac Western.

5           Q.    (BY MR. NEVAREZ) On a loan that you never  
6 intended to close on.

7           A.    Yes. I never intended to close on the loan  
8 because I was solely filling out an application in order  
9 to find out the lender.

10          Q.    Okay. All right. Okay. Well, let me -- let  
11 me refer you to Bates JaScott Investments-109, which is  
12 Exhibit Number 22, and that's a graphic representation  
13 of an audio file. Let me play that audio file for you  
14 right now.

15                   (Audio played.)

16                   (Indiscernible.)

17           MR. CALLIER: Hello.

18           MR. FAWZY: Brandon, are you alone --

19           MR. CALLIER: Yeah.

20           MR. FAWZY: -- at this moment, bro?

21           MR. CALLIER: Who's this?

22           MR. FAWZY: This is Mark. I'm the finance  
23 manager of JaScott Investments. I was working on your  
24 paperwork. How are you?

25           MR. CALLIER: I'm good. How are you?

1 MR. FAWZY: I'm doing great. Thank you so  
2 much for asking. Okay.

3 (Audio stopped.)

4 Q. (BY MR. NEVAREZ) And that's your -- that's  
5 your voice answering Mark Fawzy's phone call?

6 A. I believe it is.

7 Q. Okay.

8 (Audio played.)

9 MR. FAWZY: Real quick, I can see that you  
10 had some previous bankruptcies in 2017 and '19. Am I  
11 correct about that?

12 MR. CALLIER: Yes.

13 MR. FAWZY: Okay. So, yeah, it was a bit  
14 difficult when we tried to get you the offer, but I have  
15 done the impossible task possible. Good news for you.  
16 We have an offer. We have the \$50,000 ready for you.  
17 It's on the top of our table right now. So are you  
18 willing to hear the offer for \$50,000?

19 MR. CALLIER: Yeah.

20 MR. FAWZY: Okay. So \$50,000, it is  
21 approved. You're pre- -- you are approved for this  
22 money, and the payback amount would be only \$71,000 for  
23 6.5 months, and the payment -- and the payment amount  
24 will be \$2,605 daily, Monday through Friday, no -- no  
25 working days, and all we need is your driver license,

1 voided check, and tax return paper, and we can get you  
2 the money by today.

3 MR. CALLIER: And what? What was the last  
4 thing?

5 MR. FAWZY: Your driver license, voided  
6 check, and tax return paper. That's all I need.

7 MR. CALLIER: Okay.

8 MR. FAWZY: And we can get you the money by  
9 today.

10 MR. CALLIER: Tax return from which --

11 MR. FAWZY: So --

12 MR. CALLIER: -- from what year?

13 MR. FAWZY: From last year.

14 MR. CALLIER: Okay.

15 MR. FAWZY: Yeah. Perfect. So should I  
16 prepare the contract paper?

17 MR. CALLIER: Yeah, go ahead.

18 MR. FAWZY: Yeah. Perfect. All right. I  
19 am preparing the contract paper, and I'm -- I'm sending  
20 you another email, and just send me your voided check,  
21 driver license, and tax return papers, and we will  
22 proceed. The money is getting to your account --

23 MR. CALLIER: Yeah. Well, I just --

24 MR. FAWZY: -- all right?

25 MR. CALLIER: -- went to the -- I just left



1 to go to the lake. I can send the driver's license and  
2 the voided check because I have that in my email.

3 The --

4 MR. FAWZY: Okay.

5 MR. CALLIER: -- tax return I'll have to  
6 send when I get back.

7 MR. FAWZY: No worries. No worries. Take  
8 your time. Just send those over to me right now, and I  
9 am submitting this file to the underwriter, and I'm  
10 preparing the contract paper, all right? So we'll get  
11 you --

12 MR. CALLIER: Okay.

13 MR. FAWZY: -- the money as soon as  
14 possible.

15 MR. CALLIER: Okay. Great. Okay.

16 MR. FAWZY: Thank you so much.

17 MR. CALLIER: All right.

18 MR. FAWZY: Have a wonderful day.

19 MR. CALLIER: Bye.

20 MR. FAWZY: Talk to you soon, bro.

21 MR. CALLIER: Thanks. Bye.

22 (Indiscernible.)

23 (Audio stopped.)

24 Q. (BY MR. NEVAREZ) That was -- that was your  
25 voice, right?

1 A. Yes.

2 Q. Okay. Again, why didn't you ask him who the  
3 lender was?

4 A. I wanted it in paper, in writing.

5 Q. I mean, but you could have asked him, right?

6 MR. MILTENBERGER: Objection. Is that a  
7 question?

8 Q. (BY MR. NEVAREZ) You could have asked him,  
9 right?

10 A. Him telling me over the phone is not me having  
11 it in writing.

12 Q. Okay.

13 MR. MILTENBERGER: Objection,  
14 nonresponsive, move to strike the answer.

15 Q. (BY MR. NEVAREZ) Why didn't you ask him, "Who  
16 is the lender?"

17 A. I wanted it in writing.

18 Q. Why didn't you ask him, "Who is the  
19 underwriter?"

20 A. The underwriter is the lender, to the best of  
21 my knowledge, and I wanted it in writing.

22 Q. Why didn't you tell him, "I'm on the  
23 do-not-call registry. Do not ever call me again"?

24 A. I was trying to get in writing who the lender  
25 is and saying that at that time would not have furthered

1 me in that process.

2 Q. But you didn't tell Mr. Fawzy, "Do not ever  
3 call me again," is that correct, up until this point?

4 A. At that point in time, no.

5 Q. Okay.

6 A. There were...

7 Q. So Mr. Fawzy was operating under the pretense  
8 that you had created that you were going to get a  
9 \$50,000 business loan; is that correct?

10 A. I can't speak to what pretense Mr. Fawzy was  
11 operating under.

12 Q. Well, you didn't clarify to him that I'm not  
13 interested in any loan.

14 A. You should probably ask Mr. Fawzy under what  
15 pretense he was operating under.

16 Q. No. No. I'm asking you: Why did you not  
17 clarify to him there, "I am not interested in the loan"?  
18 That's -- that's --

19 A. I don't --

20 MR. MILTENBERGER: Objection, asked and  
21 answered.

22 A. I've said the same thing every -- every time  
23 you've asked me the question, and my answer isn't going  
24 to change because it's why I did what I did, which is I  
25 wanted in writing who the lender was.

1 Q. (BY MR. NEVAREZ) Okay. The problem,  
2 Mr. Callier, is that -- is that Mr. Fawzy and JaScott  
3 are operating under false pretenses that you're  
4 interested in a loan. You're creating all this work for  
5 Fawzy and JaScott and the underwriter.

6 A. Uh-huh.

7 Q. And -- and you're not representing to them the  
8 truth, that you're not interested in the loan. Gonna  
9 Keep on Truckin is not interested in the loan. Stop  
10 working. Why did you not clarify that you were not  
11 interested in a loan?

12 MR. MILTENBERGER: Objection, asked and  
13 answered. He repeated the ans- --

14 MR. NEVAREZ: It's -- it's a different  
15 question, sir.

16 MR. MILTENBERGER: No. You're just  
17 prefacing --

18 MR. NEVAREZ: State your object- --

19 MR. MILTENBERGER: No. I'm stating my  
20 objection.

21 MR. NEVAREZ: State your objection.

22 MR. MILTENBERGER: The objection is asked  
23 and answered.

24 MR. NEVAREZ: Okay.

25 MR. MILTENBERGER: You've prefaced it a

1 different way a thousand times. At some point, I'm  
2 going to tell him not to answer because you're asking  
3 the same thing over and over.

4 MR. NEVAREZ: Okay.

5 MR. MILTENBERGER: You're making argument,  
6 not asking questions.

7 MR. NEVAREZ: Your objection is there and  
8 noted.

9 MR. MILTENBERGER: Ask facts.

10 Q. (BY MR. NEVAREZ) Why did you not tell  
11 Mr. Fawzy that this whole thing is a pretense to try to  
12 find out who the lender was?

13 A. I wanted to find out who the lender was.  
14 Telling Mr. Fawzy that would not have furthered me in  
15 that quest.

16 Q. But you never asked him who the -- who is the  
17 lender, did you?

18 A. I asked Mr. Fawzy not to call me anymore or  
19 text me anymore, and he did so 70 times after that, so  
20 I --

21 Q. Okay. Let's move on to -- in Exhibit A, Bates  
22 stamp JaScott-111. You see that?

23 A. Yes.

24 Q. This is from Dave Thurber at Upwise Capital to  
25 Mark Fawzy, copying you; is that correct?

1 A. Yes.

2 Q. And -- and this email is dated April 13, 2022?

3 A. Yes.

4 Q. Do you admit that you received this -- copy of  
5 this email?

6 A. I admit that I am cc'd on there, if this is a  
7 true and correct copy of that email traffic.

8 Q. Okay. Well, it says, "Good afternoon, Brandon.  
9 I will be assisting with the closing process." So  
10 this -- this tells you who the lender is, who the  
11 underwriter is; is that correct?

12 A. No. That is not correct.

13 Q. No?

14 "Funding manager" is Dave Thurber's title.  
15 That wasn't sufficient to tell you who the lender was?

16 A. Sir, if you could point to me on this paper  
17 where it says "Pac Western," I'd be happy to say where  
18 this email tells me that the lender was Pac Western.

19 Q. Well, it doesn't matter whether it's  
20 Pac Western or not. This is -- this is part of the  
21 business loan application process.

22 A. Sir, you just asked me to conf- --

23 MR. MILTENBERGER: Objection. Let him ask  
24 his question.

25 THE WITNESS: Okay. Sorry. Sorry.

1 MR. MILTENBERGER: He wasn't finished. He  
2 didn't ask a question yet.

3 THE WITNESS: Sorry.

4 MR. MILTENBERGER: He just made a  
5 statement.

6 Q. (BY MR. NEVAREZ) This is part of the business  
7 loan application process. At this point in time, would  
8 you say that Ja- -- Dave Thurber and Upwise Capital are  
9 violating the TCPA as well?

10 A. I can't speak to -- without having my complaint  
11 in front of me to reference, I can't say whether Upwise  
12 was in violation at this point in time.

13 Q. Were they in violation at any point in time?

14 A. Yes.

15 Q. Okay. So did you reply to this email that you  
16 were cc'd on saying, "I'm not interested in any loan.  
17 Gonna Keep on Truckin's not interested in any loan"?

18 A. Thinking back over a year, I would, you know,  
19 have to preface this and say, you know, I'm doing this  
20 from memory from a year ago, but most likely I would not  
21 have replied to this email saying, "No, I'm not  
22 interested," because I hadn't received a contract at  
23 this point in time.

24 Q. Well, he's -- he's explaining to you on this  
25 email -- in the middle, from there, he explains to you

1 that "Per Mark's email, please send over the business  
2 voided check and your driver's license," which is what  
3 Mr. Fawzy said on that telephone call that we just  
4 heard; is that correct?

5 A. Yes, that's what the email is saying.

6 Q. And that "We will send you contracts sometime  
7 tomorrow once we have received both," right?

8 A. Yes.

9 Q. And then, "From there, the order for funding  
10 will go as follows:" The signed contracts, and then  
11 there's the bank verification and the funding call,  
12 right?

13 A. That is what the email says.

14 Q. And so, again, you -- you did not respond to  
15 this saying, "Do not ever call me again or email me. I  
16 am on the do-not-call registry"; is that correct?

17 A. Correct.

18 Q. Okay. And then if we go to Bates stamp 114,  
19 that's -- that's an email dated April 12th. Do you see  
20 that from you to Dave Thurber, Upwise Capital? Is that  
21 correct?

22 A. Yes.

23 Q. And then if you go to Bates stamp 116 of  
24 Exhibit A, that's the voided check that was requested by  
25 Mark Fawzy and Dave Thurber and -- is that correct?



1 A. Yes.

2 Q. Okay. And -- and Mr. -- Mr. George Duron gave  
3 you a copy of that check for your use in continuing your  
4 investigation?

5 A. Yes.

6 Q. And then Bates stamp 117, the next page, that's  
7 a copy of your driver's license?

8 A. Yes.

9 Q. And that you provided to Dave Thurber and  
10 Mr. Fawzy in order to continue your loan application for  
11 the \$50,000 for --

12 A. To continue my investigation, yes.

13 Q. And Bates stamp 119, down at the bottom, that's  
14 from you to Mr. Thurber and Upwise Capital, continuing  
15 on to 120, where you provide -- is that correct?

16 A. Yes. I provided my -- yes.

17 Q. And then Bates stamp 126 of Exhibit A, that's  
18 an email from Dave Thurber at Upwise Capital to you  
19 dated April 13 of 2022; is that correct?

20 A. Yes.

21 Q. And Mr. Thurber, funding manager at Upwise  
22 Capital, says, "Brandon, contracts were sent to you just  
23 now. Bank verification is below. Let me know when you  
24 complete both." Do you see that?

25 A. Yes.

1 Q. And did you click on that link to  
2 DecisionLogic?

3 A. It's been a year, so I don't remember, but most  
4 likely no.

5 Q. Most likely no. Why not?

6 A. Because I had no intention of taking a loan, so  
7 there would be no reason for me to click that link  
8 and -- and -- and finish the process.

9 Q. And did you reply to Mr. Thurber or to Mark  
10 Fawzy saying, "Not interested in a loan. Not going to  
11 click on your link"?

12 A. Sorry. My back's hurting.

13 I don't believe so.

14 Q. Okay. Do you need to take a break?

15 A. Are we going to break for lunch at any point?

16 Q. Well, yeah.

17 A. I mean, if we're going to -- it depends on when  
18 we're going to break for lunch. I mean, I'll just power  
19 through and just --

20 Q. Well, I mean, if your back's hurting and you  
21 need to take a break, just say so.

22 A. Yeah, I kind of need to take a break.

23 MR. NEVAREZ: Okay. That's fine.

24 THE WITNESS: Sorry.

25 MR. NEVAREZ: No problem.

1 THE VIDEO TECHNICIAN: Off the record at  
2 12:09.

3 (Break taken.)

4 THE VIDEO TECHNICIAN: And we are back on  
5 the record at 12:58 p.m.

6 Q. (BY MR. NEVAREZ) Okay. So I think we left off  
7 on April 12th of 2022. Let me refer you to Exhibit A,  
8 Bates page JaScott Investments-149. That's Exhibit  
9 Number 33. You got it?

10 A. Uh-huh.

11 Q. You recognize that?

12 A. Yes.

13 Q. Okay. So let me refer you to Exhibit Number 1.

14 (Exhibit 01 marked.)

15 Q. Oops.

16 And so Exhibit Number 1 is a copy of your  
17 original complaint in this matter --

18 A. Okay.

19 Q. -- and the summons and the exhibits; is that  
20 correct?

21 A. Appears to be -- well...

22 Yes.

23 Q. Okay. And so your Exhibit A is the same as  
24 my -- Exhibit A of your original complaint is the same  
25 as that Bates stamped page 0149 of my Exhibit A; is that

1 correct? Except that mine isn't cut off at the bottom.

2 Do you see that?

3 A. Yes.

4 Q. Okay. So referring you to my Exhibit A, Bates  
5 149, Mitchell Scott says --

6 MR. SHARPE: No, that's not Mitchell  
7 Scott.

8 Q. (BY MR. NEVAREZ) I -- I'm sorry. It says,  
9 "Bra-" -- you're saying -- rather, it -- it says, "Hey,  
10 Brandon. This is Mark over here from JaScott  
11 Investment. I got good news for you. Call me back,  
12 please." And that was actually Mark Fawzy, right?

13 A. Well, I presumed it was Mark Fawzy. However,  
14 your exhibit says that Mitchell Scott was sending those  
15 text messages.

16 Q. Yeah. But your understanding is, based on your  
17 Exhibit A, that that's actually Mark Fawzy, right?  
18 Because that's --

19 A. Well, that was my understanding at the time,  
20 but you --

21 Q. Okay.

22 A. -- would obviously know better from your end  
23 who was sending me those text messages.

24 Q. Okay. And then so you reply, "In a meeting.  
25 Will call when able."

1 A. Yes.

2 Q. Okay. And then he keeps sending you, after  
3 that, four separate text messages. First one, "Yes.  
4 Sure. I'm waiting." Second one is, "Please check your  
5 email. Just send over the business voided check and  
6 driver's license. That's all we require," right?

7 A. Yes.

8 Q. Okay. Now, again, you -- you did not tell them  
9 that -- in response to this, text messages, that you  
10 were really not interested in a business loan or any  
11 kind of loan.

12 A. No, I did not say that in that message.

13 Q. And, again, you didn't tell Mr. Fawzy that "I'm  
14 on the do-not-call registry. Stop bothering me," did  
15 you?

16 A. No.

17 MR. MILTENBERGER: Objection to the form of  
18 the question. It doesn't state when.

19 Q. (BY MR. NEVAREZ) Well, did you ever tell  
20 Mr. Fawzy that you were on the do-not-call registry?

21 A. I told Mr. Fawzy that I was bombarded with  
22 calls and please don't ever call or text me again.

23 Q. But that's not what -- that's not the question.

24 A. Well, that's my answer.

25 Q. Did you ever tell Mr. Fawzy you were on the

1 do-not-call registry?

2 A. No, and I'm not required to say I'm on the  
3 do-not-call registry when I tell someone to stop calling  
4 and texting me.

5 Q. But Mr. Fawz- -- you had led Mr. Fawzy to  
6 believe -- as well as Mr. Thurber to believe that you  
7 were interested in a \$50,000 business loan to buy trucks  
8 for Keep on Truckin. So did -- did you ever clarify to  
9 them that, no, I wasn't interested in a 50,000 business  
10 loan?

11 A. I clarified to them that I wanted them to stop  
12 calling and texting me.

13 Q. But they were operating under the -- the  
14 impression that you were asking for a \$50,000 business  
15 loan.

16 A. And I was operating under the impression that  
17 JaScott trained their employees to honor do-not-call  
18 requests.

19 Q. Okay. Exhibit C of your original complaint,  
20 Exhibit 1 here --

21 A. Yes.

22 Q. -- that's the merchant agreement that was sent  
23 to you for your signature; is that correct?

24 A. Yes, sir.

25 Q. Okay. And so -- and that was sent to Gonna

1 Keep on Truckin, LLC d/b/a Gonna Keep on Truckin, right?

2 A. Yes, sir.

3 Q. And then you were going to be the guarantor,  
4 apparently, according to this?

5 A. I filled out the application, sir.

6 Q. Okay. But according to this, you were going to  
7 be the guarantor?

8 A. If that's what it says.

9 Q. Okay. And at this point, you've now got --  
10 figured out who the lender is, right?

11 A. Yes.

12 Q. Okay. And this was April 13th of 2022, right?

13 A. That's when it was dated. That does not mean  
14 that that's when I received it. I don't -- I can't -- I  
15 can't confirm that that's the date I actually opened  
16 up -- opened it up or saw it.

17 Q. Sure. But -- but this date -- they prepared  
18 this based on your representations. In the middle, it  
19 says, "purchase price: \$50,000," right? Do you see  
20 that? Do you --

21 A. Yes.

22 Q. Okay. And then here again, this is -- the  
23 phone number listed on this Exhibit C of your original  
24 complaint is that (915) 383-4604, which you said was  
25 your personal cell phone number?

1 A. The application asks for my cell phone number,  
2 and I listed my cell phone number.

3 Q. Okay. But that's -- that is -- is that not a  
4 business phone number?

5 A. It is absolutely not a business phone number.

6 Q. Okay. Well, let me refer you to Exhibit  
7 Number 2.

8 (Exhibit 02 marked.)

9 A. Uh-huh.

10 MR. NEVAREZ: Maybe I should staple that.

11 MR. MILTENBERGER: Thanks.

12 MR. NEVAREZ: Is there a stapler over  
13 there?

14 MR. MILTENBERGER: I've got it right here.

15 Q. (BY MR. NEVAREZ) Okay. This is a document  
16 that's available online to the public.

17 A. Uh-huh.

18 Q. Do you recognize that document?

19 A. Yeah.

20 Q. Okay. That's a PTIN directory?

21 A. Yeah.

22 Q. Registered tax return preparers and  
23 professionals, right?

24 A. Yes.

25 Q. And you're a member of that?



1 A. Am I member of the PTIN directory?

2 Q. Yeah.

3 A. I assume that when you get a PTIN, they -- they  
4 list it there.

5 Q. Okay. And right there, it says "Aero Tax  
6 Services - El Paso Tax -- El Paso, Texas, tax firm,"  
7 right?

8 A. Yes.

9 Q. And then on the bottom left-hand, it says "Aero  
10 Tax Services, Brandon L. Callier" --

11 A. Uh-huh.

12 Q. -- 6336 Franklin Trail, El Paso, Texas, and  
13 then it's got your telephone number, the -4604.

14 A. Yeah. I have no control over what a commercial  
15 entity --

16 Q. Well, they didn't make it up. I mean, you  
17 know, this -- somehow they got notice that your -4604  
18 number --

19 A. Uh-huh.

20 Q. -- is a business number for Aero Tax Services.  
21 That's what they published it. Where -- right? I mean,  
22 according to this. Is that not correct?

23 A. That's what they published.

24 Q. Okay. And on page 2 of this Exhibit Number 2,  
25 again, that -4604 number is listed for Aero Tax

1 Services, right?

2 A. Yeah. That's what it says there.

3 Q. Okay. Let me show you Exhibit Number 3.

4 (Exhibit 03 marked.)

5 Q. Do you recognize that document?

6 A. Yes.

7 Q. And what is that?

8 A. That is a Texas franchise tax report.

9 Q. Okay. And that's for taxpayer Aero Services,  
10 LLC?

11 A. Uh-huh.

12 Q. Parentheses, "Aero Finance, LLC"?

13 A. Yes.

14 Q. Are those affiliated corporations?

15 A. From -- Aero Finance was a d/b/a of Aero  
16 Services back in 2000- -- looks like '14 when that was  
17 filled out ten years ago.

18 Q. Okay. And is that your signature down in the  
19 bottom left-hand corner?

20 A. Yes.

21 Q. And you're listed as president?

22 A. Yes.

23 Q. And the date of that is November 20, 2014?

24 A. Yes.

25 Q. And there's that same -4604 number.

1 A. Yes.

2 Q. And this is a business franchise tax return,  
3 right?

4 A. Yes. From ten years ago, yes.

5 Q. Okay. Well, let me refer you to Exhibit  
6 Number 3.

7 THE REPORTER: This will be 4.

8 MR. NEVAREZ: 4? Okay.

9 (Exhibit 04 marked.)

10 Q. (BY MR. NEVAREZ) Do you recognize that  
11 document?

12 A. Yes.

13 Q. And what is that?

14 A. An assumed name certificate.

15 Q. Okay. And -- and you filled this out?

16 A. Yes.

17 Q. And then so this is filed Aero Tax Services?

18 A. Yes.

19 Q. Okay. And then GTA Global Holdings, LLC, what  
20 is that?

21 A. That is a entity I formed last year.

22 Q. Last year?

23 And so is this the firm that took over for  
24 Aero Tax Services?

25 A. Yes.

1 Q. Okay. And so is GTA Global Holdings still in  
2 operation?

3 A. Well, operating under Aero Tax Services.  
4 GTA Global Holdings isn't operating for anything.

5 Q. Oh, okay. So GTA is doing business as Aero Tax  
6 Services.

7 A. Yes.

8 Q. Okay. And so GTA d/b/a Aero Tax Services is  
9 still in operation.

10 A. Yes.

11 Q. Okay. So let me show you GT- -- Exhibit  
12 Number 5.

13 (Exhibit 05 marked.)

14 Q. And that's a list of entities from the Texas  
15 Secretary of State that you've been doing business as,  
16 right?

17 A. That is not a correct -- that's not correct.

18 Q. What -- what is not correct?

19 A. If it says "registered agent," that doesn't  
20 mean I'm -- I'm just a registered agent for that  
21 company. It's not my company.

22 Q. Okay. Well, let -- let's -- let's go  
23 through -- let's go through the first one. Brandon  
24 Callier; title, president of entity. And that -- that's  
25 your corporation that -- your LLC that you formed?

1 A. Yeah, I formed that 10, 12, whatever years ago.

2 Q. Okay. And then the third entity down,  
3 "person," that's your name. Manager of Aero Motors,  
4 LLC. That's also an entity that you formed?

5 A. I didn't form it.

6 Q. Who formed it?

7 A. I don't remember, but it was formed on my  
8 behalf.

9 Q. On your behalf. Okay.

10 A. Yeah.

11 Q. So you were the sole owner of that LLC?

12 A. Yeah. I never operated that.

13 Q. Okay. The next one down, Glam Doll, LLC?

14 A. Uh-huh.

15 Q. Is that -- was that also an entity that was  
16 formed by you or on your behalf?

17 A. No.

18 Q. No?

19 And so you were only the registered agent?

20 A. I was only the registered agent.

21 Q. You were not an owner?

22 A. No.

23 Q. Did you operate on their behalf --

24 A. No.

25 Q. -- for other purposes other than a registered

1 agent?

2 A. I was registered agent.

3 Q. I'm sorry. What?

4 A. I was their registered -- registered agent.

5 That's it.

6 Q. That's it. Okay. All right.

7 The next one down, Flight Tyme, Inc.?

8 A. Yes.

9 Q. You were director?

10 A. Listed as a director. We never actually opened  
11 up or operated.

12 Q. Who is "we"?

13 A. Myself and Nubia Herrera. Well, wait. No.  
14 Sorry. It is my -- it was myself and Nubia Herrera. I  
15 was going to be in a business with her, and then I  
16 backed out at the last moment.

17 Q. Okay. But that was formed on your behalf.

18 A. It was formed, yes.

19 Q. Okay. The next one down, DC's Enterprises,  
20 LLC, is that your entity as well?

21 A. No.

22 Q. You were just a registered agent there?

23 A. Yes.

24 Q. Okay. The next one down, K1 Construction, is  
25 that your entity as well?

1 A. No.

2 Q. You were only the registered agent?

3 A. Yes.

4 Q. Next one down is Sheth A Korp, Inc. Is that  
5 your entity?

6 A. No.

7 Q. You were only the registered agent?

8 A. Yes.

9 Q. And then the next one down, ASK Solutions  
10 Group, LLC, is that your entity?

11 A. No.

12 Q. You were only the registered agent?

13 A. Yes.

14 Q. And Bral- -- Brandon Callier, the last one,  
15 GTA Hol- -- Global Holdings, obviously, that's --

16 A. Yes.

17 Q. -- the one we just went through, right?

18 A. Right.

19 Q. Okay. Now, as concerns Glam Doll, LLC, did you  
20 ever file any TCPA actions on their behalf?

21 A. No.

22 Q. DC Enterprise, LLC, did you file -- ever file  
23 any TCPA actions on their behalf?

24 A. No.

25 Q. K1 Construction, LLC, did you ever file any

1 TCPA actions on their behalf?

2 A. Sir, I'm not an attorney. I can't file TCPA  
3 actions on anybody's --

4 Q. Well, as --

5 A. -- behalf --

6 Q. -- a complainant. When I say "file on behalf,"  
7 I mean as -- as a complainant, as a -- as a plaintiff.

8 A. I cannot file anything on anyone else's behalf,  
9 except for Brandon Callier, because I am not an  
10 attorney.

11 Q. No, but -- but you can be a representative as a  
12 plaintiff, as an aggrieved plaintiff, for any of these  
13 corporations.

14 A. Small claims court is the only court in which a  
15 nonattorney can file something on behalf of someone that  
16 is not that person.

17 Q. Okay. To your knowledge, has Glam Doll, LLC,  
18 ever filed any TCPA actions?

19 A. Not to the best of my knowledge.

20 Q. TC -- DC Enterprises, LLC, have they ever -- do  
21 you know if they've ever filed any TCPA actions?

22 A. Not to the best of my knowledge.

23 Q. K1 Construction, LLC?

24 A. Not to the best of my knowledge.

25 Q. And Sheth A Korp, Inc.?



1 A. Not to the best of my knowledge. This is all  
2 public record.

3 Q. Right.

4 ASK Solutions Group, have you ever filed  
5 any TCPA actions on their behalf?

6 A. I've never filed any TCPA actions --

7 Q. Well, I mean --

8 A. -- on anyone's behalf.

9 Q. -- have you ever been -- do you know if they've  
10 ever filed any TCPA actions?

11 A. Not to the best of my knowledge.

12 Q. Okay. Who prepared the -- the articles of  
13 certification for Glam Doll, LLC?

14 A. Sir, I don't remember. It may have been me. I  
15 do not remember.

16 Q. It may have been you?

17 A. It's possible.

18 Q. Okay.

19 A. I don't remember.

20 Q. DC Enterprises, LLC, who -- who prepared the --  
21 the articles for that?

22 A. Well, that's...

23 Q. Who filed the articles for -- for that?

24 A. I probably did, but I don't remember.

25 Q. K1 Construction, LLC, who filed the formation

1 documents for that?

2 A. I know I did that.

3 Q. You -- you did?

4 A. Yes.

5 Q. Okay. Sheth A Korp, Inc., who filed the -- the  
6 formation documents for that?

7 A. I'm pretty sure I did.

8 Q. Okay. ASK Solution Groups [sic], who --

9 A. I don't even remember what ASK -- I don't even  
10 remember ASK Solutions Group, so I -- I can't answer  
11 about that.

12 Q. Okay. Okay. Well, with regard to Glam Doll,  
13 who prepared the formation documents?

14 A. Sir, if I don't remember who filed them, I -- I  
15 don't remember who prepared them.

16 Q. Okay. DC Enterprises, LLC, who prepared the  
17 formation documents?

18 A. It's possible it was me, but I don't remember.

19 Q. Okay. K1 Construction, who --

20 A. I prepared that.

21 Q. You prepared the formation documents?

22 A. Yes.

23 Q. Sheth A Korp, who prepared the formation  
24 documents?

25 A. I prepared that.

1 Q. And you don't remember ASK Solutions.

2 A. I -- I do not remember that. I don't know who  
3 they are.

4 Q. Okay. Now, what about Gonna Keep on Truckin?  
5 Who prepared the formation documents for Gonna Keep on  
6 Truckin, LLC? Do you know?

7 A. I do not know.

8 Q. Now, what about Vanity National -- or Vani- --  
9 Vanity Nail Bar, did they ever file any TCPA actions?

10 A. No.

11 Q. Okay. Who -- who prepared the formation  
12 documents for them?

13 A. I probably did.

14 Q. You filed them as well?

15 A. I'm fairly certain that I did.

16 Q. Now, who is Pau- -- Paula Dominguez?

17 A. She used to work for me.

18 Q. Used to? No longer?

19 A. Correct.

20 Q. When did she -- what period did she work for  
21 you?

22 A. During 2023. I don't remember the exact dates.

23 Q. Now, do you have a cell phone number other than  
24 the one ending in 4604?

25 A. Yes, I have other cell phones.

1 Q. And what are those?

2 A. I do not remember off the top of my head. I  
3 have a separate cell phone for Aero Tax Services.

4 Q. For who?

5 A. Aero Tax Services.

6 Q. And what is that?

7 A. I don't remember off the top of my head. It's  
8 on my website.

9 Q. Okay. Are you familiar with -- well, hold  
10 on -- (915) 227-1219?

11 A. That's my wife's phone number.

12 Q. And your wife is Ana?

13 A. Yes.

14 Q. What about (905) 533-1411?

15 A. One more time.

16 Q. (905) 533-1411.

17 A. I don't know what that phone number is.

18 Q. Okay. What about (915) 744-2215?

19 A. That was my phone number when I was chief of  
20 accounting at Fort Bliss.

21 Q. Do you recall when you ceased to use that  
22 number?

23 A. Whatever year COVID started, sir.

24 Q. I see.

25 A. 2021ish.

1 Q. That was a VOIP number?

2 A. No. It was a landline.

3 Q. Landline?

4 What about (903) 445-9506.

5 A. (903) 445-? I have no idea what that phone  
6 number is.

7 Q. Okay. What about (915) 568-2236?

8 A. That's a Fort Bliss phone number. May have  
9 been my phone number before I be- -- became the chief of  
10 accounting and got a new number.

11 Q. So that would have been a government number?

12 A. Yes.

13 Q. What about (383) 460-4604?

14 A. Repeat that number.

15 Q. Area code (383) 460-4604.

16 A. I don't know what that is.

17 Q. Okay. So the only number that you have  
18 available is that number ending in 4604?

19 A. Also -- well, what do you mean, "available"? I  
20 have a cell phone (915) 245-4- -- -4374, also.

21 Q. I'm sorry. Say -- say that --

22 A. (915) 245-4374.

23 Q. And that's under your name?

24 A. Yes.

25 Q. And the carrier?

1 A. Boost Mobile, I think.

2 Q. Okay. So that's your personal cell number.

3 A. I have two personal cell numbers.

4 Q. The -- this one that ends in 4374 and then the  
5 one that ends in --

6 A. 4604.

7 Q. 4604. Okay.

8 Why do you have two personal cell phone  
9 numbers?

10 A. It's not uncommon.

11 Q. No. But the question is, why do you have?

12 A. Why? Because I want two personal cell phones.  
13 I don't have a specific reason.

14 Q. I see.

15 Now, do you use the one ending in 4374 for  
16 business purposes?

17 A. No.

18 Q. Okay. But you have used and listed the -4604  
19 number for business purposes.

20 A. I do not use it for business purposes.

21 Q. Well, you called and texted -- I mean, you  
22 texted Mark Fawzy --

23 A. Mark Faw- --

24 Q. -- for business purposes in trying to get --  
25 entice him into giving you an application for a \$50,000

1 business loan.

2 A. Mark Fawzy, unsolicited, contacted me on my  
3 cell phone number.

4 Q. But you provided that number --

5 A. I did not provide that number.

6 Q. -- to Max Williams, didn't you?

7 A. No. I don't know who Max Williams is, sir.

8 Q. You don't know who Max Williams is?

9 A. I do not.

10 Q. You've never communicated with Max Williams?

11 A. To the best of my knowledge, I've never spoken  
12 to Max Williams.

13 Q. Okay. So do you know how Mark Fawzy got your  
14 -4604 number?

15 A. According to your documents that I saw earlier,  
16 he got it from Max Williams, so that would be a question  
17 for him. I can't speak for how Mark Fawzy did anything.

18 Q. Yeah. No. I'm just trying to find out if you  
19 know.

20 So your testimony is you don't really know  
21 how Mark Fawzy got your -4604 number?

22 A. That is a question that should be directed  
23 towards Mark Fawzy.

24 Q. No. I'm asking you if you know.

25 A. I've already told you I don't know, sir.

1 Q. Okay. All right. Let me ask you to go to  
2 your -- to Exhibit Number 1, your original complaint.  
3 We already went through Exhibit C. You see --

4 A. Exhibit 1 or --

5 Q. No, I --

6 A. -- Exhibit I.

7 Q. Exhibit Number 1 --

8 A. Okay.

9 Q. -- which is your original complaint.

10 A. Oh.

11 Q. Exhibit C of that --

12 A. Oh, I see. I got you.

13 Q. -- is the merchant agreement that was sent to  
14 you --

15 A. Okay.

16 Q. -- dated April 13th. Do you see that?

17 A. Yes.

18 Q. Okay. That's -- that's a nine-page document;  
19 is that correct?

20 A. Correct.

21 Q. And then the next page is page 1 of 2, entitled  
22 "Joint Affidavit of Confession of Judgment." Is that  
23 correct?

24 A. That's what it says.

25 Q. And then it's -- page 2 of 2's got your name,



1 Brandon Callier, on behalf of Gonna Keep on Truckin, LLC  
2 d/b/a Gonna Keep on Truckin. It's unsigned. Why is  
3 this appended to your original complaint?

4 A. It was part of the contract.

5 Q. The contract?

6 A. Yes. That nine-page contract included these  
7 two pages --

8 Q. I see.

9 A. -- where they wanted me to sign, so that if I  
10 defaulted on the loan, they would be able to come after  
11 me individually.

12 Q. Right.

13 So on this date that this Exhibit C of  
14 Exhibit Number 1 was prepared, April 13th of 2022,  
15 Upwise still believed that you were looking for a  
16 business loan; is that correct?

17 A. I can't tell you what Upwise was --

18 Q. Well, they sent it to you --

19 A. -- what they believed.

20 Q. They -- they sent it to you, not on a  
21 personal -- as a personal contract. This is supposed to  
22 be a business contract. This is what you were looking  
23 for, the name of the lender. This is Upwise Capital, as  
24 the lender, giving you the merchant agreement for your  
25 signature, right?

1 A. That is a contract from Pac Western.

2 Q. Well, it says "Upw-" -- it says "Upwise  
3 Capital" up on the top left-hand corner, page 1 of  
4 Exhibit C, of your Exhibit C.

5 A. Uh-huh. Yes. And I'm going to refer to them  
6 as "Pac Western" because -- to differentiate between  
7 that Up- -- Pac Western, which as a d/b/a of Upwise,  
8 which is wholly a distinct and separate entity from the  
9 Upwise from Mr. Thurber that was contacting me. So I  
10 don't want to confuse the two entities. They're two  
11 different entities.

12 Q. Two different Upwise Capitals?

13 A. Yes.

14 Q. Okay. Well, this one that was prepared as  
15 Exhibit C, that was prepared by Mr. Thurber --

16 A. That is from --

17 Q. -- sent to you by Mr. -- Mr. Thurber?

18 A. I would have to go back in the record. I don't  
19 know if Thurber sent it or if Fawzy sent it, but that  
20 contract is from Pac Western.

21 Q. Okay. But this was sent to you as part of your  
22 attempt to solicit that \$50,000 loan so that you could  
23 find out who the lender would be.

24 A. It was sent to me as part of my investigation,  
25 trying to determine who the lender was, which turned out

1 to be Pac Western.

2 Q. And you never signed this agreement.

3 A. Correct.

4 Q. Okay. And did you present it to Mr. Jorge  
5 Duron for signature?

6 A. It was never presented to anyone for signature.

7 Q. So this was part of the -- your attempt to find  
8 out who the lender was, based on your representations to  
9 Thurber, Fawzy, and Upwise, that you wanted the \$50,000  
10 loan; is that correct?

11 A. Can you repeat that?

12 Q. Is it correct that this was -- this Exhibit C  
13 was prepared as a result of your attempt or your -- your  
14 representation to Fawzy and Thurber that you wanted the  
15 \$50,000 business loan?

16 A. It was prepared as a direct result of the  
17 application that I filled out in my attempt to find out  
18 who the lender was.

19 Q. And then the page after that, the -- the page  
20 after that page 2 of 2 of your Exhibit C is an April 13,  
21 2022, statement prepared for your signature as -- on  
22 behalf of Gonna Keep on Truckin, LLC d/b/a Gonna Keep on  
23 Truckin; is that correct?

24 A. Correct.

25 Q. And that's also part of that \$50,000 business

1 loan application?

2 A. It's a part of the contract that they sent  
3 over.

4 Q. Okay. And then the next page after that is the  
5 DocuSign, requesting that you sign the documents; is  
6 that correct?

7 A. Correct.

8 Q. But you never signed.

9 A. I didn't sign it the first time, second, or  
10 third time that you asked me, sir. I never signed it.

11 Q. Okay. Now, your Exhibit E of your original  
12 complaint, Exhibit 1 here in this deposition, is the  
13 Pac Western email to you dated April 19, 2022?

14 A. I'm trying to find Exhibit E, sir.

15 Q. You got it?

16 A. Yes.

17 Q. And that was from Pac Western to you. "Please  
18 DocuSign: Gonna Keep on Truckin agreement 041322"?

19 A. Okay. Yes.

20 Q. Okay.

21 A. Can we clarify something?

22 Q. Sure.

23 A. An answer from before?

24 Q. Okay.

25 A. You asked me if Dave Thurber had sent the

1 contract. I told you I didn't remember if it was him or  
2 Fawzy.

3 Q. Uh-huh.

4 A. Looking at this email, the contract came  
5 directly from Pac Western.

6 Q. Right.

7 Okay. And that Exhibit F of your  
8 complaint, Exhibit 1 of this deposition, you see that?

9 A. Yes.

10 Q. That's your em- -- that's your text?

11 A. Yes.

12 Q. That was the -- back to Fawzy?

13 A. Well, it was either to Fawzy or to Mr. Scott  
14 because your copy of those text messages to that phone  
15 number say that those text messages were going to  
16 Mitchell Scott. I was under the impression I was  
17 communicating with Mr. Fawzy. But either way, as you  
18 can clearly see, I said, "Please don't call or text me  
19 again."

20 Q. Okay. And -- and you don't -- but you don't  
21 know who you're responding to is your testimony?

22 A. My belief was -- at the time, was that I was  
23 responding to Mr. Fawzy. Now, based on what you  
24 presented to me, I'm of the opi- -- belief that it's  
25 possible I was actually responding to Mitchell Scott,

1 one of the owners of JaScott.

2 Q. Okay. Okay. But, again, you don't -- you  
3 don't -- you don't explain to whomever the recipient of  
4 your text is that you're on the do-not-call -- "Do not  
5 call me ever again," do you?

6 A. It's not a requirement. No, I do not.

7 Q. You did not.

8 A. I did not.

9 Q. Okay. And -- and then the next page, which is  
10 your Exhibit G, you say -- you're sending it to  
11 everyb- -- everyone. You don't know -- you don't know  
12 who's who. Was this directed back to Mr. Fawzy?

13 A. Was what directed to Mr. Fawzy?

14 Q. This email -- this text that I'm just reading  
15 to you that's your Exhibit G.

16 A. This Exhibit G, which apparently is the same as  
17 Exhibit H -- and so I may have --

18 Q. Well, we haven't gotten there yet.

19 A. -- may have had a mis- -- wait. Is this still  
20 G? E, F, G, yeah. Yeah, they're essentially the same.

21 I sent this. This is -- this text message  
22 is directed to Mark Fawzy to the phone number that Mark  
23 Fawzy or Mitchell Scott -- whichever one it actually  
24 was -- was texting me from.

25 Q. Okay.

1           A.    I can't direct text messages to anyone other  
2 than the recipient -- or the -- the phone number that  
3 that text message went to.

4           Q.    Okay. Okay. So now let's go to H, and that's  
5 dated -- your Exhibit H is dated April 20, up at --  
6 right below the Exhibit H label, April 20 at 11:04, and  
7 that's apparently from Fawzy again or...

8           A.    No.

9           Q.    Now, who was that from?

10          A.    Looking at the phone number, it looks like that  
11 is from Dave, and it says there on the April 20th email,  
12 "This is Dave at Upwise."

13          Q.    Okay. And so he's ask- -- still asking you if  
14 you're going to be signing.

15          A.    Yes. He asked me if I was going to be signing.

16          Q.    Okay.

17          A.    To complete -- to -- to look at his words, he  
18 says, "So will you be signing? I'll text since you  
19 don't want me to call."

20          Q.    Right.

21          A.    Yeah.

22          Q.    Okay. Well, let me -- let me play you another  
23 audio. This one is dated April 21st.

24          A.    Okay.

25                       (Audio played.)

1 (Indiscernible.)

2 MR. CALLIER: Hello.

3 MR. FAWZY: Hello, sir. This is Mark from  
4 JaScott. Do I have your permission to speak to you for  
5 a minute?

6 MR. CALLIER: Mark from Chase card?

7 MR. FAWZY: Yes, Mark from JaScott.

8 MR. CALLIER: No, you don't.

9 MR. FAWZY: I'm the same person where you  
10 signed the application. You sent over your bank  
11 statement. You got approved for \$50,000 --

12 MR. CALLIER: (Indiscernible.)

13 MR. FAWZY: -- with a better -- yes. And  
14 you -- you accepted the offer. You sent me your  
15 driver's license and voided check. Everything was done  
16 from my side.

17 So the reason for my call is I sincerely  
18 apologize for, when I get back to you, you were getting  
19 bombarded with so many calls. I know many people start  
20 trying to call you, but I am the only guy who's going to  
21 give you the \$50,000 with such a great pay rate term.

22 Just block all the numbers. Just don't  
23 pick up. If it's possible, just save my number as the  
24 name "Mark." You have the bank verification on your  
25 email. You just have to fill it out. It will take two



1 minutes, and you'll have the \$50,000 on your bank  
2 account by today, sir.

3 MR. CALLIER: Okay. Can you -- can you  
4 resend me the -- the documents so I can know -- so I can  
5 find it in my email?

6 MR. FAWZY: Exactly. Exactly. I can do it  
7 right now. And -- and I -- I hope you remember you  
8 spoke to me. I know that you got bombarded with so many  
9 people, but we have your driver license, voided check,  
10 and I'm going to send you the bank verification again  
11 right now. Are you in front of the computer, sir?

12 MR. CALLIER: Yes, I'm in front of my  
13 computer.

14 MR. FAWZY: Okay. Give me -- give me one  
15 second, sir. I sincerely apologize for all the trouble  
16 you have gone through, but be with me on the line,  
17 and I'm just sending it over to you. Give me one  
18 second, sir. I hope you're having a wonderful day. Are  
19 you busy this morning, sir? Am I trou- -- am I being a  
20 bother to you?

21 MR. CALLIER: Yeah. Yeah, it's going okay.

22 MR. FAWZY: Okay. Just give me one second,  
23 sir. I am sending it. My underwriter, Dave, he also  
24 tried to call you, but some reason -- no worries. Just  
25 give me one second. Yeah. Here is the conversation.

1 Okay. It's getting sent. The subject line is "bank  
2 verification." And you have it on your inbox. Please  
3 give it a check now. You got it from  
4 markfawzy@jascott.org. You received --

5 MR. CALLIER: Okay.

6 MR. FAWZY: -- a DecisionLogic link there.  
7 Please -- yeah, please give it a check. Take your time,  
8 sir. We don't have any rush.

9 UNIDENTIFIED SPEAKER: Goodness. We have  
10 76 properties pop up under his name.

11 UNIDENTIFIED SPEAKER: (Indiscernible.)

12 UNIDENTIFIED SPEAKER: Some dude I might  
13 sue.

14 MR. CALLIER: Hey, let me call you --

15 MR. FAWZY: Yeah. Yeah.

16 MR. CALLIER: Can I call you back in --  
17 give me like ten minutes. I just have someone in the  
18 office. Just give me -- let me call you right back.

19 MR. FAWZY: Sure, sir. Sure. Take your  
20 time.

21 MR. CALLIER: Yes. Give me like ten  
22 minutes.

23 MR. FAWZY: Just save my number as "Mark."  
24 You can just save --

25 MR. CALLIER: "Mark"?

1 MR. FAWZY: -- my number as "Mark." And  
2 please don't --

3 MR. CALLIER: Okay.

4 MR. FAWZY: -- pick up anyone's call. I'm  
5 your guy. I'm just one step behind. You just need to  
6 fill out the bank --

7 MR. CALLIER: (Indiscernible.)

8 MR. FAWZY: -- verification, and the money  
9 will be in your account in five minutes, sir. Yeah.

10 MR. CALLIER: This is your number,  
11 (612) 662-4205?

12 MR. FAWZY: Exactly. This is my number.  
13 Just save down the number --

14 MR. CALLIER: Okay.

15 MR. FAWZY: -- and call me back anytime  
16 whenever you require.

17 MR. CALLIER: Okay.

18 MR. FAWZY: You have it already on your  
19 inbox. Thank you so much.

20 MR. CALLIER: Yes.

21 MR. FAWZY: It's been (indiscernible).  
22 Thank you.

23 MR. CALLIER: Yeah. All right. Thanks.

24 MR. FAWZY: Thank you.

25 (Audio stopped.)

1 Q. (BY MR. NEVAREZ) So that was your voice,  
2 right?

3 A. Yes.

4 Q. Okay. And so do you recall that phone call?

5 A. I do recall that phone call.

6 Q. Okay. Now, this was after you already knew who  
7 the lender was.

8 A. This was after I knew who the lender was and  
9 after I had already delivered four do-not-call requests.

10 Q. Well, I haven't seen -- I know you've labeled  
11 some as "do-not-call requests." I know you label  
12 them --

13 A. Uh-huh.

14 Q. -- as such, but I don't think they really  
15 qualify --

16 A. Oh, okay.

17 Q. -- as a do-not-call request.

18 A. Well --

19 Q. But -- but that's --

20 A. Okay.

21 Q. -- beside the point. That's a matter of law.

22 A. Yeah.

23 Q. He asked you if he was bothering you, and you  
24 said no.

25 A. Well, he was bothering me.

1 Q. Well, you told him no.

2 A. Yes.

3 Q. You misled him again.

4 A. No.

5 Q. You've been misleading Mr. Fawzy and Dave  
6 Thurber all along.

7 A. No.

8 MR. MILTENBERGER: Objection. Is there a  
9 question?

10 Q. (BY MR. NEVAREZ) Haven't you?

11 A. No.

12 Q. You've -- you -- you misled them to bel- --  
13 into thinking that you were actually interested in a  
14 \$50,000 business loan. Did you not -- did you not  
15 mislead them in that way?

16 A. I took reasonable steps to find out who was  
17 make- -- who they were making phone calls on behalf of,  
18 the lender.

19 Q. You in- -- you induced them into doing all  
20 kinds of paperwork through your misrepresentations.

21 A. Uh-huh.

22 MR. MILTENBERGER: Objection. Is there a  
23 question?

24 Q. (BY MR. NEVAREZ) Do you understand that? You  
25 induced them to do all of these loan applications and to

1 keep calling you because you requested \$50,000 based on  
2 the -- on your misrepresentation to them.

3 A. Are you asking --

4 Q. Is that not true?

5 A. -- me a question, or are you just take --  
6 stating --

7 Q. Is that not true?

8 A. -- your opinion?

9 Q. No. I'm -- I'm asking you if that's not true.

10 A. It is not true.

11 Q. What part is not true?

12 A. I did not ask them to make the initial phone  
13 call to me. That was on them. And I didn't ask them to  
14 continue to ignore do-not-call requests. And you don't  
15 have to say that it's -- acknowledge that it's a  
16 do-not-call request, but, "Please don't ever call or  
17 text me again," is a pretty clear request to not be  
18 called or text again.

19 Q. Do you understand that you led them bel- -- to  
20 believe that -- that you were conducting business  
21 activities?

22 A. I can't speak for what their -- for what their  
23 understanding was, sir.

24 Q. Well, you -- you filled out the loan  
25 application on behalf of Gonna Keep on Truckin to get

1 \$50,000 for -- for trucks.

2 A. You asked me about what they thought.

3 Q. Well --

4 A. I'm not them.

5 Q. No. You led them to believe that you were  
6 looking for a \$50,000 loan on behalf of Gonna Keep on  
7 Truckin. Is that not correct?

8 A. I can't tell you what they thought.

9 Q. Well, that's what your loan application says.  
10 You want me to show you the loan application again?

11 A. My loan application was to find out who the  
12 lender was. Had the loan application said "Pac Western"  
13 on it, then there would have been no need.

14 Q. So you misrepresented the facts to them. Is  
15 that not correct?

16 A. That is not correct. That's your assessment.

17 Q. What -- what part of your representation was  
18 correct as it concerns a loan application?

19 A. What part of --

20 Q. You weren't -- you weren't a hundred percent  
21 owner, which is what you put down on the loan  
22 application. You -- you -- Gonna Keep on Truckin wasn't  
23 looking for a \$50,000 loan to buy trucks. So what part  
24 of the loan application was -- was not a  
25 misrepresentation?

1           A.    The loan application was a reasonable step for  
2 me to take in order to find out who the lender was.

3           Q.    So -- so you induced them into doing all the --  
4 all of this work, all this loan application, as a result  
5 of your misrepresentation. Do you disagree with that?

6           A.    Yes, I disagree with that.

7           Q.    Well, how do you disagree with that?

8           A.    What they do as a result of unsolicited phone  
9 calls -- I never asked them to call me. They called me.  
10 And when they called me, they didn't say who they were  
11 lending on behalf of. It is not my responsibility to  
12 make sure they appropriately identify who they're  
13 calling on behalf of. So I took reasonable steps to  
14 find out who the lender was.

15          Q.    Okay. Well, do you understand that they acted  
16 based on your failure to disclose the truth?

17                   MR. MILTENBERGER: Objection to the form of  
18 the question. At what point in time? Are you talking  
19 about the initial call or afterwards?

20                   MR. NEVAREZ: I -- I --

21          A.    Sir --

22                   MR. NEVAREZ: Whenever.

23          A.    Can you read -- can you --

24                   MR. NEVAREZ: Could you read back the  
25 question?



1 (Question read as follow: Well, who do you  
2 understand that they acted based on your  
3 failure to disclose --)

4 THE REPORTER: Oh. Let me start over.

5 (Question read as follows: Well, do you  
6 understand that they acted based on your  
7 failure to disclose the truth?)

8 A. Sir, I do not believe that they act- -- that  
9 any actions that they took were based on anything that I  
10 said or did. If their actions were based on anything  
11 that I said or did -- or did, they probably would have  
12 honored one of the four explicit requests to stop  
13 calling me. And had they honored any of those requests,  
14 we wouldn't be sitting here.

15 Q. (BY MR. NEVAREZ) I don't -- I haven't seen any  
16 explicit requests where you're telling them not to --  
17 not to call you. In fact, this is -- this phone call,  
18 April 20th, after you already realized who the lender  
19 was, you're still engaging them in -- in conversation  
20 to -- towards the \$50,000 loan application.

21 You -- you -- at this point in time, you  
22 already knew who the lender was, and you didn't tell  
23 Mark Fawzy, "Not interested in the \$50,000 loan. Do not  
24 ever call me again. I'm on the do-not-call registry."

25 A. Sir, that --

1 MR. MILTENBERGER: Whoa. Whoa. Whoa.  
2 Objection.

3 Q. (BY MR. NEVAREZ) Isn't that correct?

4 MR. MILTENBERGER: Wait. Objection to the  
5 form of the question, compound question. You're making  
6 long statements, then saying "isn't that correct?"

7 MR. NEVAREZ: All right.

8 MR. MILTENBERGER: He -- he can't answer a  
9 long --

10 MR. NEVAREZ: I'll -- I'll rephrase the  
11 question.

12 MR. MILTENBERGER: Break it down by each  
13 little subpart and ask him if that -- I mean, get to the  
14 point, not these long speaking questions that he has to  
15 remember four different things that you said in the  
16 middle of the question.

17 Q. (BY MR. NEVAREZ) So af- -- af- -- as of  
18 April 20th, phone call with Mr. Fawzy, you didn't tell  
19 him you were no longer interested in the loan, did you?

20 A. No, I did not.

21 Q. You did -- you -- you didn't tell him that  
22 Gonna Keep on Truckin was no longer interested in a  
23 loan.

24 A. I didn't tell him on that phone call. I told  
25 him four -- four or five times -- I'd have to go through

1 the record -- prior to that phone call.

2 Q. That -- that Gonna Keep on Truckin was no  
3 longer interested in a loan?

4 A. Not to call or text me anymore.

5 Q. Okay. I'm not talking about that.

6 I'm talking about you telling him whether  
7 or not you were still interested or Gonna Keep on  
8 Truckin was still interested in a loan. You never told  
9 him.

10 A. I don't have to tell them that. All I have to  
11 tell them is to stop calling and texting me.

12 Q. Okay. That's fine. But -- but you never --  
13 you never -- you -- you continued to conceal the fact  
14 that you and Gonna Keep on Truckin was never interested  
15 in a business loan.

16 MR. MILTENBERGER: Objection to the form.  
17 Is there a question?

18 Q. (BY MR. NEVAREZ) Is that -- isn't that  
19 correct?

20 A. That I continued to -- repeat the question,  
21 sir.

22 Q. As of April 20th, you still had not told them  
23 that you weren't interested in the business loan; isn't  
24 that correct?

25 A. No. As of April 20th, I had not told them that

1 I was not interested in a business loan. I simply asked  
2 them on multiple occasions to stop calling and texting  
3 me.

4 Q. Do you want me to play the call again? You --  
5 you said you were still interested in -- in -- in the --  
6 in the loan.

7 A. Yes. I told him to send me the contract again.

8 Q. Yeah. So you're concealing the truth from  
9 Mr. Fawzy.

10 A. So I don't know -- well, I can't consult my  
11 attorney right now, so --

12 Q. Isn't that --

13 A. I --

14 Q. -- true? You're -- you're concealing the fact  
15 that there's no need for them to send you another  
16 business loan application because you're not going to  
17 sign.

18 A. The need for the contract was to have evidence  
19 that they were calling, soliciting me, after I had made  
20 four or five do-not-call requests.

21 Q. And that's to establish foundation for your  
22 TCPA lawsuit?

23 A. At this point, yes. I was going to file a TCPA  
24 lawsuit because they had ignored four or five requests  
25 to stop calling me.

1 Q. So let me refer you to another phone call.  
2 This one's April 22.

3 (Audio played.)

4 MR. CALLIER: Hello.

5 MR. FAWZY: Good -- or good morning. How  
6 are you?

7 MR. CALLIER: I'm good. How are you?

8 MR. FAWZY: I'm doing great. Thank you so  
9 much for asking. I -- I hope you're free at this moment  
10 and you're having a wonderful day. Did you get the  
11 chance to receive my email?

12 MR. CALLIER: Well, I'm loo- -- I'm looking  
13 for it in -- in my email. This is --

14 MR. FAWZY: Uh-huh.

15 MR. CALLIER: -- Upwise, right?

16 MR. FAWZY: Ja- --

17 MR. CALLIER: Hello?

18 MR. FAWZY: -- -Scott Investment. You got  
19 the bank verification --

20 MR. CALLIER: From JaScott.

21 MR. FAWZY: -- and also the contract paper.  
22 If you got the --

23 MR. CALLIER: Oh.

24 MR. FAWZY: -- chance now, you can just  
25 go -- go to your inbox and you -- it could just take

1 five minutes, the bank verification. You know the  
2 DecisionLogic link is there. Click on that and sign all  
3 the contract paper. But please confirm me. Did you  
4 receive my email or not? Otherwise, I'm going to send  
5 it over again. Can you please give it a check?

6 MR. CALLIER: No. I -- I don't have --

7 MR. FAWZY: No?

8 MR. CALLIER: I -- I see it. I'm clicking  
9 on it right now. It -- it says "DecisionLogic"?

10 MR. FAWZY: Yes, DecisionLogic, and you got  
11 a contract paper. You got a contract paper as well.

12 MR. CALLIER: Right.

13 MR. FAWZY: Do you see the contract paper,  
14 sir?

15 MR. CALLIER: No. Yeah, I'm trying to find  
16 the contract. The contract is from --

17 MR. FAWZY: It's from (indiscernible) --

18 MR. CALLIER: -- Pac Western Financial?

19 MR. FAWZY: Exactly. That's the one. The  
20 contract paper is Pac Western Financial. And do you see  
21 the DecisionLogic link? That's the bank verification  
22 link. That's all you need to do. That's the remaining  
23 two things you need to do.

24 MR. CALLIER: Okay. Yeah.

25 MR. FAWZY: Okay.

1 MR. CALLIER: And --

2 MR. FAWZY: I'm -- I'm on the line.

3 MR. CALLIER: -- and sign the --

4 MR. FAWZY: You can -- uh-huh.

5 MR. CALLIER: And I'm trying to find the --  
6 the contract, so I can -- I got to sign it, right?

7 MR. FAWZY: You can just -- you can just  
8 search for (indiscernible) under Pac West Financial.  
9 Click on that --

10 MR. CALLIER: Where?

11 MR. FAWZY: -- inbox at --

12 MR. CALLIER: (Indiscernible.)

13 MR. FAWZY: You got the contract from  
14 (indiscernible), yeah, Pac Western Financial.  
15 Pac Western Financial. It should be on your inbox.  
16 Just give it a check. There should be a contract paper.  
17 I'm on the line, sir. Please take your time. We don't  
18 have any rush. You can take as much time as you want.

19 MR. CALLIER: Okay.

20 MR. FAWZY: Yes.

21 MR. CALLIER: I -- I finally see it.

22 (Mr. Sharpe not present.)

23 MR. FAWZY: And you can find the  
24 DecisionLogic link on -- from my inbox,  
25 markfawzy@jascott.

1 MR. CALLIER: (Indiscernible.) Okay.

2 Great. All right. So I got it.

3 MR. FAWZY: Yeah. Okay.

4 MR. CALLIER: Give me like 20 minutes. I  
5 just want to read through, because it's a lot of  
6 paperwork, but I have the --

7 MR. FAWZY: Uh-huh.

8 MR. CALLIER: -- contract and the bank  
9 verification, so just give me a chance to just read this  
10 and -- and I will be back with you shortly. All right.  
11 Thank you, sir.

12 MR. FAWZY: Okay. But you --

13 MR. CALLIER: (Indiscernible.)

14 MR. FAWZY: -- you got the contract paper,  
15 and you also found --

16 MR. CALLIER: Yeah. Yeah, I have it.

17 MR. FAWZY: -- the link, right?

18 MR. CALLIER: I have the -- yeah.

19 MR. FAWZY: Okay.

20 MR. CALLIER: I have the link and then the  
21 contract.

22 MR. FAWZY: Uh-huh.

23 MR. CALLIER: So just let me just read  
24 through it real quick. Give me like 20 minutes.

25 MR. FAWZY: Okay.



1 MR. CALLIER: Thank you, sir.

2 MR. FAWZY: Okay. I'll give you -- if you  
3 don't mind, with your...

4 (Audio stopped.)

5 Q. (BY MR. NEVAREZ) So there again, Mr. Callier,  
6 you already knew who the lender was. You knew -- you  
7 already knew who the underwriter, and you still didn't  
8 tell him, "This has all been a ruse to find out who the  
9 lender was," as you claim you wanted to know.

10 You're engaging him in business  
11 conversations about a 50,000 -- -thousand business loan  
12 for trucks, purportedly on behalf of Gonna Keep on  
13 Truckin. And you didn't tell him, "No, this is --  
14 really, I don't need the loan. I don't want the loan."  
15 No, you -- you say you're going to get back to them.

16 Why didn't you just tell him right then and  
17 there, "We're not going to close on the loan. We don't  
18 want the loan. No need to keep talking about a loan.  
19 We're not going to sign" -- they would have given up on  
20 that. Why didn't you just tell them that?

21 (Mr. Sharpe present.)

22 MR. MILTENBERGER: Objection to the form of  
23 the question to the extent that it's compound and  
24 includes a number of statements prior to the actual  
25 question. I just want to make sure he's answering the

1 actual question you asked.

2 A. I was actually going to ask if you wanted me to  
3 consider the -- you keep ask- -- you keep saying I did  
4 this, I did that, I did this, I did that, leading up to  
5 what then becomes a question. I don't acknowledge --

6 Q. (BY MR. NEVAREZ) No. My --

7 A. -- any of the things that you say I did.

8 Q. No. My --

9 A. So --

10 Q. I'm sorry. Let -- let me rephrase my question.

11 A. The last --

12 Q. Okay. Let --

13 A. Yeah, your --

14 Q. So you'll -- so you don't misunderstand. I  
15 don't care about what you did. It's what you didn't do  
16 that I care.

17 Why didn't you tell him, "This \$50,000  
18 business loan application was all a charade. We're not  
19 interested"? Why didn't you tell him?

20 A. And my -- what I'm saying to you is that I'm  
21 not taking into account all your leading statements that  
22 finally get to a question.

23 I had made at least four, maybe five -- I  
24 have to see the record -- requests for them to stop  
25 calling me, which is all I am required to do under the

1 law. At some point, if they ignore the first, second,  
2 third, and fourth do-not-call requests, I stop making  
3 the request. I have no reason to believe they're going  
4 to honor the request because they ignored the first  
5 four.

6 So -- and as a general rule -- and this --  
7 it's been my experience -- and this has happened to me  
8 multiple times -- that when I make repeated do-not-call  
9 requests to people, they get upset. I had made four, or  
10 so, at -- four or five at this point, and I saw no --  
11 there was no belief on my part that any of those  
12 requests moving forward would be honored.

13 Q. Okay. You're -- you're a serial TCPA litigant.

14 A. I'm a defender of my rights.

15 Q. And -- and --

16 MR. MILTENBERGER: Let him -- let him --

17 THE WITNESS: Okay. Sorry.

18 MR. MILTENBERGER: -- ask a question.

19 Q. (BY MR. NEVAREZ) And you --

20 A. Sorry.

21 Q. -- have your -- your personal phone number,  
22 your personal cell with -- with Boost Mobile you said?  
23 And that ends in what? What -- what are the four digits  
24 there, your -- your Boost number, the last four?

25 A. 4374.

1 Q. 4374. Okay.

2 So that's your personal cell phone number.  
3 Do you -- do you use that for business purposes?

4 A. My business has its own separate and distinct  
5 phone number. I don't know it off the top of my head,  
6 but it is on my website.

7 Q. That's not responsive, sir.

8 Your Boost --

9 A. No.

10 Q. Your -- your --

11 A. I do not use that Boost number -- which is my  
12 secondary personal cell phone number, I do not use it  
13 for business.

14 Q. Okay. Have you ever filed a TCPA action using  
15 that -4374 number?

16 A. I have filed maybe two or three.

17 Q. And which ones were those?

18 A. I have no idea.

19 Q. Do you use that as part of your tax business?

20 A. No.

21 Q. Okay. But yet, on your -4064 number, you've --  
22 you have been using that for business purposes.

23 A. No.

24 Q. Well, I mean, that's part of the exchange with  
25 Fawzy and -- and Thurber --

1 A. I didn't ask them --

2 Q. -- in your -- the business --

3 A. Sorry.

4 Q. -- loan application.

5 MR. MILTENBERGER: Objection. Is there a  
6 question?

7 Q. (BY MR. NEVAREZ) So you have used it for  
8 business personal numbers -- for business communications  
9 regarding that \$50,000 loan application.

10 MR. MILTENBERGER: Objection --

11 A. I don't -- that doesn't sound like a question  
12 to me.

13 Q. (BY MR. NEVAREZ) Well, did -- did you not, in  
14 fact, use that -- that number, that -4604, as -- didn't  
15 you even list it on your loan application?

16 A. That loan application asked me for my cell  
17 number.

18 Q. And you put down that -- that -4604 --

19 A. Yeah.

20 Q. -- on a business loan application.

21 A. I put down the phone number that they were  
22 contacting me on as part of my investigation. I didn't  
23 want to give them any other numbers to con- -- to harass  
24 me on.

25 Q. Why didn't you put down the Gonna Keep on

1 Truckin phone number?

2 A. That's not my phone number.

3 Q. Okay. But -- but they allowed you to use them  
4 as part of your -- what you claim is an investigation,  
5 right?

6 A. (No verbal response.)

7 Q. They -- they all- -- Gonna Keep on Truckin  
8 allowed you to use their bank statements. Why didn't  
9 they allow you to use a phone number for them?

10 A. I didn't say they didn't allow me to do  
11 anything. I said that I put the phone number that they  
12 were -- "they" being JaScott and Upwise -- were  
13 contacting me on.

14 Q. All right. Now, do -- do you understand that  
15 the TCPA covers residential numbers, right?

16 A. Yes. And this has already been litigated with  
17 respect to my phone number.

18 Q. And do you understand that it doesn't cover  
19 business relationships?

20 A. I understand the TCPA, sir.

21 Q. Okay. You understand that the TCPA doesn't  
22 cover business relationships, a use of phone numbers for  
23 business relationships?

24 A. I understand that it is not as black and white  
25 as you want to make it out to be right now.

1 Q. But you un- -- you do understand --

2 A. I understand that -- excuse me. Sorry.

3 Q. You do understand that the Code of Federal  
4 Regulations pertaining to the TCPA in the case that it  
5 doesn't apply to business relationships?

6 A. Repeat your question, please.

7 Q. Do you understand that the Code of Federal  
8 Regulations indicates that the TCPA isn't applicable to  
9 business relationships, business communications?

10 A. Yes. I understand that if a number is used  
11 predominantly for business, that it could -- and it's  
12 considered a business line, that it could not have  
13 residential telephone protection.

14 Q. Well, I don't see the word "predominantly" in  
15 there, but...

16 Let me refer you to my Exhibit A, Bates  
17 stamp 235, which is Exhibit Number 58. Do you see that?

18 A. Yes.

19 Q. So Dave Thurber up at Upwise Capital says he  
20 wants to know why you have gone MIA on us. I -- I  
21 assume that's "missing from action"?

22 A. That would be my understanding.

23 Q. And you didn't respond to that, did you?

24 A. I don't recall, but if there's no response,  
25 then I didn't respond.

1 Q. So back on Exhibit A, my Exhibit A, Bates stamp  
2 0248, do you see that? That's from Dave Thurber, Upwise  
3 Capital, copying you, April 26 of 2022. "So you don't  
4 need our 50k dollars? Anyone else approving you with  
5 two bankruptcies?" Did you respond to that?

6 A. I don't recall ever seeing that email, but if  
7 I -- I don't think so.

8 Q. That's your email address, though, right?

9 A. Yeah, that's my email address.

10 Q. And then Bates stamp 257 of my Exhibit A,  
11 April 27th, 2022, from Dave Thurber. You're cc'd on  
12 that. "Brandon, we have never had a borrower go this  
13 MIA on us." Do you see that?

14 A. Yeah, I see that.

15 Q. They still think you're doing a business loan  
16 application.

17 MR. MILTENBERGER: Objection. Is there a  
18 question?

19 Q. (BY MR. NEVAREZ) Wouldn't you agree? They're  
20 still talking about your busine- -- your \$50,000  
21 business loan application.

22 A. I agree that they continued to solicit me for a  
23 loan after I had asked them four different times to stop  
24 calling me.

25 MR. NEVAREZ: What's our last number?



1 THE REPORTER: 6 will be next.

2 MR. NEVAREZ: 6 will be next. Okay.

3 Q. (BY MR. NEVAREZ) So, Mr. Callier, you  
4 recognize Exhibit Number 6?

5 (Exhibit 06 marked.)

6 A. Yes, sir.

7 Q. And -- and so this is your first amended  
8 complaint?

9 A. Yes, sir.

10 Q. Okay. Now, on page 3 of your first amended  
11 complaint, paragraph 10, you say that the TCPA makes it  
12 unlawful to make any call, other than a call for  
13 emergency purposes or made without the prior written  
14 con- -- express consent of the called party, using an  
15 automatic telephone dialing system or an artificial or  
16 prerecorded voice to any telephone number assigned to a  
17 cellular telephone service.

18 None of these phone calls or text messages  
19 or even the emails were pursuant to an automated system,  
20 were they?

21 A. No. I don't claim that they were.

22 Q. Okay. And when you had discussion with Max  
23 Williams -- or, rather, when Max Williams got your phone  
24 number, the -4064 number, you provided your consent to  
25 be contacted at that number. Wouldn't you agree?

1 A. As I told you twice previously, I don't recall  
2 ever speaking to Max Williams ever in my life. I don't  
3 know who Max Williams is. So, no, I do not agree.

4 MR. SHARPE: I had these thoughts here.  
5 Right here.

6 Q. (BY MR. NEVAREZ) Okay. So let me refer you to  
7 page 18 of Exhibit Number 6, your first amended  
8 complaint, paragraph 100. Second paragr- -- second  
9 sentence, "Defendant Scott was also copied on emails and  
10 coordinated with Mark Fawzy, Dave Thurber, and Max  
11 Williams in their attempt to coerce Plaintiff into  
12 signing the MCA contract." Of course, "Max Williams" is  
13 misspelled there. But that's how we know you know Max  
14 Williams.

15 A. Well, I -- in that -- I'm -- I'm saying that he  
16 must have been copied on an email, and I got the email  
17 from there, but I don't know who Max Williams is.

18 Q. Well, again, Max Williams is the person who got  
19 your name and number. That was the first exhibit of  
20 Exhibit A that I had you look at, Bates stamp Exhibit A  
21 JaScott Investments-002. Do you see that?

22 A. I remember that.

23 Q. Max Williams.

24 A. Uh-huh.

25 MR. SHARPE: There's no emails with Max

1 Williams copied.

2 MR. NEVAREZ: Huh?

3 MR. SHARPE: He hasn't produced any emails  
4 with Max Williams copied.

5 Q. (BY MR. NEVAREZ) So on page 7, paragra- --  
6 paragraph 29, "Defendant Western employees, contracts  
7 with, and authorizes independent sales organizations"?

8 A. What page are you -- where are you at, sir?

9 Q. I'm still on the first amended complaint.

10 A. No. What paragraph?

11 Q. Page 7, paragraph 29.

12 A. Okay.

13 Q. And then paragraph 30, "Defendant Western  
14 controlled the behavior of the IS- -- ISOs." So how do  
15 you know that Defendant Western employed and controlled  
16 the behavior of ISOs?

17 A. I assume.

18 Q. You -- so you don't -- you don't have any facts  
19 to support that?

20 A. No. I hadn't gone through discovery at this  
21 point, had any -- and wasn't privy to the internal  
22 operations of Western. So when you formally -- so, no,  
23 I made an assumption.

24 Q. Okay. Paragraph 33. Prior to this phone call  
25 of April 4, 2022, Plaintiff had never spoken to any of

1 the defendants, had never filled out an application with  
2 any of the defendants, had never heard of any of the  
3 def- -- and never established a business relationship.

4 So do you disagree that -- that your --  
5 your loan -- business loan application for 50,000  
6 doesn't constitute a business transaction?

7 A. That came after --

8 Q. No, it came after, but the question remained.

9 A. Yes. At the point I filled out a application  
10 with them, it would have established a business  
11 relationship, as is defined or the -- yes.

12 Q. Okay.

13 A. And it would have been severed on the first of  
14 the four or five do-not-call requests that I initiated.

15 Q. Okay. Well, let me -- let me refer you to  
16 Exhibit 7.

17 (Exhibit 07 marked.)

18 Q. Do you recognize Exhibit 7?

19 A. Yes.

20 Q. And that's the April bill for the phone number  
21 in question?

22 A. Yes.

23 Q. -4604?

24 A. Yes.

25 Q. So that's actually Ana -- your wife, Ana

1 Callier's phone number?

2 A. That's my phone number, sir.

3 Q. Okay. But it -- it's her account.

4 A. She opened the account. That is my phone  
5 number.

6 Q. She doesn't use it.

7 A. No, sir.

8 Q. Okay. Now, your wife, she's aware that you're  
9 involved in numerous TCPA lawsuits, right?

10 A. My wife is aware that I have filed TCPA  
11 lawsuits, yes.

12 Q. Okay. And is she aware that you're using her  
13 number, her Verizon account number?

14 A. My wife is aware that I have filed TCPA  
15 lawsuits with my phone number ending in 4604.

16 Q. Okay. Is she aware that you filed the lawsuit  
17 in question using this -4604 number?

18 A. My wife is not aware of any specifics of any  
19 case that I have filed.

20 Q. But she's aware that you're filing numbers, but  
21 she's not aware that you're filing using the -- that  
22 -4604 number? Is that --

23 A. I can't speak to what my wife is or is not  
24 aware of. What I can tell you is that that is my phone  
25 number.

1 Q. So she doesn't know if -- whether or not you're  
2 using the -4604 for TCPA purposes?

3 MR. MILTENBERGER: Objection to the form of  
4 the question. "used for TCPA purposes," could you be  
5 more -- clarify the question?

6 Q. (BY MR. NEVAREZ) You have -- you have numerous  
7 TCPA lawsuits, right?

8 A. I have more than one, yes.

9 Q. And -- and you -- and do you know how many of  
10 those used the -4604 number?

11 A. I do not know the exact number, no.

12 Q. Many, probably.

13 A. Many.

14 Q. Is she aware that you're using this -4604  
15 number in these TCPA lawsuits?

16 A. My wife is aware that I use my phone number  
17 ending in 4604 for whatever purposes I -- I -- I want  
18 to, to include TCPA lawsuits if the need happens to  
19 arise.

20 Q. Okay.

21 MR. SHARPE: And she gives him full  
22 authority and discretion.

23 MR. NEVAREZ: Yeah. Right.

24 MR. SHARPE: That's important.

25 Q. (BY MR. NEVAREZ) So you have her approval.

1 A. It is my phone number, sir. I do not need --

2 Q. Was she --

3 A. -- her approval.

4 Q. Well, has she told you do not use the -4604  
5 number for any of your TCPA actions?

6 A. No.

7 Q. So she's in agreement with you continuing to  
8 use the -4604 number in your TCPA actions. She hasn't  
9 objected, right?

10 A. There's no reason for her to object. It's my  
11 phone number.

12 Q. Well, I mean, it's her -- it's under her name,  
13 so if she doesn't object, she's complicit with your use  
14 of the -4604 number. Would that be correct?

15 A. If I were to call you right now, sir, or when I  
16 had my phone, it's going to show up as "Brandon Callier"  
17 on the caller ID, and Brandon Callier is the only person  
18 who has ever used that phone number and has any  
19 authority or control over that phone number.

20 Q. Well, that didn't answer my question. That was  
21 not responsive.

22 A. Well, rephrase your question.

23 Q. Is -- has she ever objected to your use of the  
24 -4604 number for any of your TCPA actions?

25 A. You asked me that question, and I already

1 answered no.

2 Q. Okay. All right. Well, let -- let -- let's go  
3 to -- let's go to -- well, let -- let me ask you this:  
4 On page 1 of Exhibit Number 7 -- and for the record,  
5 Exhibit Number 7 has -- consists of 48 pages, plus two  
6 other pages at the end.

7 What -- you see the "Ana Callier"? What --  
8 what is that number that's been blacked out?

9 A. You want my wife's cell phone number?

10 Q. Whatever this number is.

11 A. That's my wife's cell phone number.

12 Q. Well, there's -- there's four numbers here.

13 A. Yeah.

14 Q. They're all listed as "Ana Callier." What is  
15 the first one that's blacked out?

16 A. (915) 227-1219.

17 Q. 227-?

18 A. -1219.

19 Q. -1219.

20 What's the second number?

21 A. That is my minor daughter's phone number, and  
22 I'm not going to give it to you.

23 Q. That's whose dau- -- what's her name, your  
24 daughter's name?

25 A. My daughter's name is Emma.



1 Q. Emma.

2 Okay. And what's the third number?

3 A. That is my mom.

4 Q. Your mom.

5 A. Yes.

6 Q. And what number is that?

7 A. (903) 830-6360.

8 Q. I'm sorry. (915)?

9 A. 830-6360. I reserve the right to correct that.

10 Q. Okay. So you're not sure what it is?

11 A. It's possible I got a digit wrong.

12 Q. Okay.

13 A. I don't want to say definitively that that's  
14 the number and then have it be wrong and be accused --

15 Q. Are the last four --

16 A. -- of something --

17 Q. I'm sorry. Are the last numbers 6360?

18 A. I believe that they are, but just in case that  
19 is not, I just want to qualify --

20 Q. Okay.

21 A. -- we might have to correct that.

22 Q. That's fine.

23 A. (903) area code.

24 Q. 9- -- 9- what?

25 A. (903).

1 Q. And where is that?

2 A. Tyler, Texas.

3 Q. Okay. All right. Now, let me refer you to  
4 Exhibit 6, which is your first amended complaint, page  
5 11. You see that first call, 4-4-2022? Where is that  
6 call on here?

7 A. What?

8 Q. That -- looking at page --

9 A. The first call.

10 Q. -- 11 of --

11 A. Okay.

12 Q. -- Exhibit Number 6, your first amended  
13 complaint, do you see that table A?

14 A. Yes.

15 Q. The first call is dated 4-4-2022, caller ID  
16 (612) 662-4225?

17 A. Yes.

18 Q. Where is that on Exhibit 7?

19 A. Sir, that is a missed call. Verizon phone  
20 records do not show missed calls.

21 Q. Well, what record do you have to support that  
22 that call took place?

23 A. I kept a log.

24 Q. I see.

25 What proof do you have that the log is

1 correct or -- as to this entry?

2 A. Well, I'm willing to swear under oath that it's  
3 correct.

4 Q. I see.

5 So -- so this first call doesn't appear in  
6 this Verizon statement, Exhibit Number 7.

7 A. It probably -- it should not appear because it  
8 was a missed phone call.

9 Q. Same for the second call on table A --

10 A. Yes, sir.

11 Q. -- of Exhibit 6?

12 A. Yes.

13 Q. What about the third call, April 5, 2022?

14 A. I declined the phone call, so it would not  
15 appear.

16 Q. Would not appear in Exhibit 7?

17 A. Yes.

18 Q. Yes, it would not appear?

19 A. Yes, it would not appear. Yes.

20 Q. Okay. Okay. So what about -- so all of these  
21 calls on that page 11, what -- well, scratch that.

22 Number 4 is a text on April 5, 2022. Would  
23 that appear on this Exhibit Number 7?

24 A. No, sir, it would not appear.

25 Q. No texts appear on the Verizon bill?

1 A. No, but they would appear on the phone calls  
2 that they were sent to and from -- I mean, on the phones  
3 that they were sent to and from.

4 Q. Right.

5 But text calls wouldn't appear on -- on the  
6 Verizon bill, Exhibit Number 7; is that correct?

7 A. Correct.

8 Q. And the same for missed calls.

9 A. Correct. And declined calls.

10 Q. And declined calls. Okay.

11 So, in other words, none of these nine  
12 calls listed on Exhibit 6, table A, on page 11 would  
13 appear on the Verizon bill.

14 A. That's not correct, sir.

15 Q. Which one would? Oh, the three-minute call on  
16 April 5?

17 A. Yes.

18 Q. And where is that on Exhibit 7?

19 A. Okay. I'm looking at the wrong date.

20 MR. MILTENBERGER: I'll help you. It's  
21 about the 10th entry down, 12th entry down on page 28.

22 THE WITNESS: I found it, yeah.

23 A. It's rounded up. The call could have lasted  
24 two minutes and one seconds -- anywhere from two minutes  
25 and one seconds to three minutes.

1 MR. MILTENBERGER: The 13th entry down,  
2 Mike.

3 MR. NEVAREZ: Okay. At 2:48? Okay.

4 Q. (BY MR. NEVAREZ) Now, what about the call  
5 above that that's been redacted?

6 A. I redacted all the personal phone calls that I  
7 received.

8 Q. So these are -- these redact- -- that redacted  
9 call above that April 5th call on page 28, was that also  
10 to or from your phone number, that -4064 that...

11 A. Yes, sir.

12 Q. How do you know that?

13 A. Because it says so right above "Ana Callier."

14 Q. I see. Okay. So that's -- that's the number.

15 So your phone calls on Exhibit 7 begin on  
16 page 22. Would that be correct?

17 MR. MILTENBERGER: 21.

18 A. Yeah, 21.

19 Q. (BY MR. NEVAREZ) 21? Oh, okay. Yeah. All  
20 right.

21 So all of these redacted calls you're  
22 claiming are personal calls?

23 A. Yes.

24 Q. Are they -- any of those calls related to other  
25 TCPA actions that you filed?

1 A. It's possible that an attorney called me  
2 related to a case.

3 Q. Is it possible that another defendant out  
4 there, one of your numerous TCPA defendants --

5 A. No, I wouldn't --

6 Q. -- may have -- may have called you on --

7 A. I would not have redacted that, no.

8 Q. But we don't know that for a fact.

9 A. Well, I'm telling you that I redacted phone  
10 calls from people that are relatives and friends.

11 Q. And possibly attorneys.

12 A. I -- I don't think that I would because I  
13 wouldn't have recognized the number. I'm just saying  
14 that I don't want to say definitively that I did not,  
15 but I doubt that I would have.

16 Q. So let's go to page 12 of Exhibit 6, your first  
17 amended complaint. There's an entry there, number 17,  
18 4-12-2022. Where -- where is that?

19 A. It may be -- I have to look. It may have been  
20 a missed call. Okay. You said number 17?

21 Q. Yes.

22 A. I believe 17 is a missed call.

23 Q. And -- and what page are you looking at?

24 A. I'm looking on page 34, which shows that I  
25 answered the call at 4:16 p.m.

1 Q. Hold on, sir. Page 34?

2 A. Yes.

3 Q. Okay. And where is that? 4:56?

4 A. 4:56 is a missed call. I don't have a  
5 characteriza- -- characterization for it there. And  
6 then I also don't have a characterization for number  
7 416 -- excuse me -- the call at number si- -- table  
8 number 16.

9 Q. You mean row 16?

10 A. Row 16. And -- but that call was answered.

11 Q. So, you know, in 17, your -- row 17 of phone  
12 call at -- on April 12th at 4:56, you're claiming that's  
13 a missed call?

14 A. Yes.

15 Q. But it doesn't show up here.

16 A. No missed calls show up there, sir.

17 Q. Missed calls don't show up.

18 A. No, they don't.

19 Q. So -- but you're -- you're asking, as part of  
20 damages under the TCPA, missed calls?

21 A. Yes.

22 Q. Okay. And -- and the same for declined calls?

23 A. For any calls that were transmitted to my cell  
24 phone that did not have an EBR attached to it.

25 Q. On that same page 12 of Exhibit 6, row 43, you

1 say "spoke to Constants [sic]." Who is -- what is --  
2 who is Constance?

3 A. I don't know.

4 Q. Did you prepare this table?

5 A. I did prepare that table. I prepared the  
6 entire complaint independently.

7 Q. But you don't know who Constance is?

8 A. It has been over a year. I do not remember who  
9 Constance is. I would have to refer back to my records.

10 Q. Okay. So, again, on Exhibit 7, the -4604  
11 numbers are -- begin on page 21 and where -- where do  
12 they end? Is that page 45?

13 A. Yes.

14 Q. So let me refer you to Exhibit 8.

15 (Exhibit 08 marked.)

16 Q. And, again, this is a copy of Ana Callier's  
17 phone bill?

18 A. That is a copy of our phone bill.

19 Q. Did you apply for this Verizon account?

20 A. I pay the bill on that Verizon account.

21 Q. Did you apply for it?

22 A. No. She applied for it.

23 Q. Okay.

24 A. It is a joint account that we -- that I -- we  
25 maintain together.



1 Q. Okay. Where -- where does the -4604 calls  
2 begin on -- on this Exhibit 8?

3 A. (No verbal response.)

4 Q. Is it page 18 or 19?

5 A. It's -- this appears to be a bad copy.

6 Q. A bad copy? Why is it bad?

7 A. Because every single number is blacked out.

8 Q. Well, yeah. It's all -460- -- -04 number there  
9 is --

10 MR. SHARPE: You have to go toward the end.

11 Q. (BY MR. NEVAREZ) No. Let me ask the question.

12 A. Oh, I know what --

13 Q. Where -- where does it begin?

14 A. Right.

15 Q. Where does the -4604 begin?

16 A. Page 18.

17 Q. Is that page 19? 18?

18 A. 18.

19 Q. 18?

20 A. Wait. No. No. No. Sorry. 19.

21 Q. Okay. So the first entry for -4604 starts on  
22 page 19 and then continues on through page 40?

23 A. Yes.

24 Q. 21 pages?

25 A. (No verbal response.)

1 Q. Is that correct?

2 A. If your math is correct, that's correct.

3 Q. And from what I can tell, every single call in  
4 this Exhibit Number 8 for -4604 has been blacked out.

5 A. One second, sir.

6 Q. Is that correct?

7 A. 26. Yes.

8 Q. And why is that?

9 A. Well, I submitted two different sets of phone  
10 numbers for you as part of the discovery. One I  
11 submitted that only contained phone calls from JaScott  
12 or Upwise, and then I submitted another that contained  
13 all my calls, that would show all the nonpersonal calls,  
14 which were all telemarketers, and this looks like one of  
15 the -- an exhibit for the ones where I blacked out  
16 everything that wasn't JaScott.

17 Q. Okay. So there were no phone calls between  
18 April 26, May 25, related to the case at hand?

19 A. Well, yes, there were. I ignored those calls.

20 Q. But you -- but you --

21 A. I just --

22 Q. -- blocked them out?

23 A. I -- no, sir. If you look at my table on the  
24 26th --

25 Q. Oh, whoa.

1 A. -- I say that there -- they are --

2 Q. Hold on. Hold on just a second. Let me look  
3 at your table so I can follow along with what you're  
4 saying, okay? What page on the --

5 A. Page 14.

6 Q. Page 14 of Exhibit 6? Okay. Go ahead.

7 A. I didn't answer the phone calls because I was  
8 ignoring JaScott because they would not stop calling me  
9 after my repeated do-not-call requests.

10 Q. Well, let's -- let's look at page 14 of that  
11 Exhibit 6, line 87. Where on Exhibit Number 8 is that  
12 call on line 87?

13 A. Sir, this starts on April 26th. That call is  
14 on April 25th.

15 Q. Okay. So that would be in the previous one?

16 A. Yes.

17 Q. Exhibit Number 7?

18 A. It's on page 45, sir.

19 Q. Okay. Which that would be...

20 A. It says one second on the phone bill because  
21 Verizon rounds up.

22 Q. You mean one minute.

23 A. One minute. Sorry.

24 Q. Okay. All right. Well, are -- are -- so this  
25 Exhibit Number 8 starts on April 26, so that would be on

1 your table A for Exhibit 6, row 88?

2 A. Excuse me. I'm not following you.

3 MR. MILTENBERGER: They're all missed calls  
4 except for the one down at 108, so we would owe you a  
5 phone bill for the 108. But the others are missed calls  
6 and don't show up on the phone bill.

7 MR. NEVAREZ: Or the text calls.

8 MR. MILTENBERGER: Yeah. They're all  
9 missed calls, so they won't show up on the phone bill.  
10 But the one down at row 108 is a June 30th, and we owe  
11 you a phone bill for that call.

12 MR. NEVAREZ: Okay. You're going to  
13 provide that or --

14 MR. MILTENBERGER: Yeah.

15 MR. NEVAREZ: Okay.

16 Q. (BY MR. NEVAREZ) Okay. Well, let me ask you  
17 to go back to Exhibit Number 6. Well, scratch that.

18 MR. NEVAREZ: Let -- can we take a little  
19 break, go off the record?

20 THE VIDEO TECHNICIAN: Off the record at  
21 3:01.

22 (Break taken.)

23 VIDEO TECHNICIAN: We are back on the  
24 record at 3:18 p.m.

25 (Exhibit 09 marked.)

1 Q. (BY MR. NEVAREZ) Exhibit Number 9, Can you  
2 identify that, Mr. Callier?

3 A. This is a printout from an Excel spreadsheet  
4 that I kept related to the contacts between myself and  
5 JaScott and Upwise.

6 Q. So this is the log that you referred to  
7 earlier?

8 A. Yes.

9 Q. Okay. So these are, unfortunately, unnumbered,  
10 because we -- we provided the Excel spreadsheet and we  
11 just printed out the -- the tabs. So Exhibit 9 consists  
12 of three pages?

13 A. Yes.

14 Q. And this relates to the case that we're here  
15 for today involving Upwise, Pac Western?

16 A. Yes.

17 Q. That -- that was the name of your tab. So  
18 that's -- that's why we -- we put Up- --

19 A. Yes.

20 Q. -- Upwise, dash, Pac Western here.

21 So let me -- let me ask you: Why -- the  
22 fourth column, Notes, it says, Before license sent?

23 A. I believe that should say "application sent."

24 Q. Oh, I see. Okay. Okay. And so why are -- why  
25 are we color-coded? That's April 4, '22, through

1 April 12, '22?

2 A. The color-coding is for me, because it tells me  
3 that everything before they sent an application would  
4 have been before an EBR would have been established.  
5 And then, at that point -- again, it's not color-cod- --  
6 or it's not shaded. And then I shaded back again at the  
7 point that I told them to never call me back.

8 Q. Okay. And -- and for definition purpose, "EBR"  
9 is?

10 A. "Established business relationship."

11 Q. Okay. So, all of these that are color-coded,  
12 April 4 through April 12 of '22, they're color-coded  
13 because that was before you established a business  
14 relationship?

15 A. It was before they sent me an application,  
16 which, you know, could have -- you know, if I fill out  
17 an application, I establish an -- an EBR. And then, you  
18 know, obviously, those aren't calls that I could -- I'm  
19 differentiating between when I had an EBR and when I  
20 didn't have an EBR.

21 Q. I see. So, on page 1, everything that is not  
22 color-coded is after you established an -- an  
23 existing -- established a business relationship?

24 A. Theoretically. It's really not for me to  
25 determine. What I can tell you is that everything

1 that's shaded was before I was sent the application.

2 Q. Okay. And then after -- after -- everything  
3 that's not shaded on page 1 is after you establish a  
4 business relationship?

5 A. It was after I received the application.

6 Q. Okay. Well, you used the "EBR."

7 A. Yeah.

8 Q. Now, did -- are you stop using your EBR or --

9 A. Well, I -- I'm making a legal determination  
10 that I -- I can't really make, so I'm backtracking on  
11 that and just differentiating between when I was sent an  
12 application and when I -- or prior to me being sent an  
13 application and after me being sent the application.

14 Q. Okay. And, when you received the application,  
15 that's when the EBR was established, according to your  
16 use of the term "EBR"?

17 A. According to my use of the term, then that  
18 would have established an EBR.

19 Q. Okay. So now, go on -- going on to page 2,  
20 we've got five calls that are not color-coded.

21 A. Yes.

22 Q. So then, beginning with April 19 at 2:29 p.m.,  
23 you get -- you have another color code?

24 A. Yes.

25 Q. And then, the column -- the fourth column, you

1 say, Told to never call back. And then the next column  
2 is, Knowing and willful violations.

3 So what -- what does this color code  
4 represent there, on that page 2?

5 A. That represents the point in time that I first  
6 told them to not ever call me again.

7 Q. Okay. And then, on page 3 of that Exhibit  
8 Number 9, why is portions color-coded and other portions  
9 not color-coded? Could you decipher that?

10 A. That's just an error on my part. The entire  
11 thing is supposed to be shaded. I just --

12 Q. So all of that should be shaded?

13 A. Well, it came -- all of that came after I --  
14 those multiple requests to not call me back. So yes,  
15 they should be shaded.

16 Q. I see.

17 Okay. Now, I've got a whole bunch of other  
18 ones. Exhibit 10 through 39, that are -- also come from  
19 your Excel spreadsheet, similar col- -- similar logs  
20 from that same Excel spreadsheet. If -- if you don't  
21 mind, we can just set a little conveyor belt here.

22 A. Yeah.

23 (Exhibit 10 marked.)

24 Q. (BY MR. NEVAREZ) Exhibit 10, would you  
25 identify that?



1 A. I have to give these --

2 Q. I'm sorry. What?

3 A. I have to give these to her or --

4 Q. Yeah. She's got to stamp them.

5 THE REPORTER: I need to mark them, but I  
6 need y'all to not talk. Sorry.

7 MR. NEVAREZ: I -- if -- okay.

8 THE REPORTER: Go ahead.

9 MR. NEVAREZ: Do you want to hand me and I  
10 can --

11 THE REPORTER: Sure.

12 MR. NEVAREZ: -- pin them over here with  
13 your assistance?

14 MR. SHARPE: Sure.

15 Q. (BY MR. NEVAREZ) Okay. Do you recognize that  
16 Exhibit Number 10?

17 A. Yes, sir.

18 Q. That's a log pertaining to which case?

19 A. That is a log pertaining to the phone -- the  
20 MCA phone calls that I received from Unified Funding, or  
21 Capybara.

22 MR. SHARPE: Where -- where -- where do you  
23 want the sticker? Bottom right?

24 MR. NEVAREZ: No, not on this one. This  
25 one's mine.

1 MR. SHARPE: Gotcha. Where do you want the  
2 sticker?

3 MR. NEVAREZ: Anywhere.

4 MR. SHARPE: Gotcha.

5 MR. NEVAREZ: Other than on mine.

6 Q. (BY MR. NEVAREZ) So that's another TCPA case?

7 A. This one was a TCPA case, yes.

8 (Exhibit 11 marked.)

9 Q. (BY MR. NEVAREZ) Okay. Now, let me refer you  
10 to Exhibit 11. And this one's entitled "Direct Funding  
11 Now-Kalamata." Is that -- is that a log for another one  
12 of your TCPA cases?

13 A. This is a log for an MCA company that called me  
14 however many number of times are on this list. And no,  
15 I did not sue them.

16 Q. You did not what?

17 A. I did not sue them.

18 Q. Okay. But you kept this for purposes of the  
19 TCPA?

20 A. I kept that to keep track of who -- of some of  
21 the companies that were calling me, yes. But I get a  
22 bunch of phone calls, and I don't sue everyone --

23 Q. I see.

24 A. -- not even close.

25 Q. Okay.

1 (Exhibit 13 marked.)

2 Q. (BY MR. NEVAREZ) Exhibit 13 --

3 MR. MILTENBERGER: What happened to 12?

4 MR. NEVAREZ: Oh, 12. Okay. Don't put  
5 them on the ones with my initial.

6 MR. SHARPE: Gotcha.

7 (Exhibit 12 marked.)

8 Q. (BY MR. NEVAREZ) Exhibit 12, that's entitled  
9 "Lionhead-Kalamata." Is that -- is that a TCPA case?

10 A. This is a company that was calling me for an  
11 MCA loan in the same manner that JaScott was calling. I  
12 did not sue this company, because, when I sent them the  
13 text message saying, Do not call me back, they honored  
14 it and stopped calling me. And I did not sue them.

15 Q. You did not submit?

16 A. I did not sue them.

17 Q. Oh, you didn't -- okay.

18 A. They honored my DNC request.

19 Q. But it was kept for TCPA purposes?

20 A. It was kept to keep track of who was bombarding  
21 my phone.

22 (Exhibit 13 marked.)

23 Q. Okay. Exhibit 13 entitled "Pearl Capital,"  
24 that a TCPA case?

25 A. I think I sued Pearl Capital --

1 Q. Okay.

2 A. -- in -- in a TCPA case.

3 (Exhibit 14 marked.)

4 Q. (BY MR. NEVAREZ) All right. Exhibit 14,  
5 entitled "Todays Advance Arsenal WH Road." Did I get  
6 that correct?

7 A. Yeah. I can't remember what it stands for,  
8 but --

9 Q. Okay. Is Exhibit 14 reflective of another TCPA  
10 case?

11 A. Yes, when I sent them the "do not call"  
12 request, they kept calling and texting me. So yes, I --  
13 I did file a TCPA complaint against them.

14 (Exhibit 15 marked.)

15 Q. (BY MR. NEVAREZ) Okay. Exhibit 15, entitled  
16 "AR Capital Direct Merchants FU"?

17 A. Direct Merchants Funding.

18 Q. Oh, Funding, okay.

19 A. It cut off.

20 Q. I see. Okay. So is Exhibit 15 relating to  
21 another TCPA case?

22 A. No, sir.

23 Q. You did not sue them?

24 A. I did not.

25 Q. But you kept -- kept it for purposes of -- to

1 see if they were compliant with TCPA?

2 A. I -- yes.

3 Q. Okay.

4 (Exhibit 16 marked.)

5 Q. (BY MR. NEVAREZ) Exhibit 16, entitled  
6 "FundKite Peak Source, LLC," is that also a TCPA case?

7 A. Yes, sir -- no. Excuse me. I'm sorry. This  
8 is -- again, all of these are merchant cash advance  
9 companies that were contacting me. I did not sue this  
10 company, no.

11 Q. Okay. But you kept this for purposes of TCPA,  
12 in -- in the event they were noncompliant in -- in your  
13 determination?

14 A. Yes.

15 (Exhibit 17 marked.)

16 Q. (BY MR. NEVAREZ) Exhibit 17, entitled "CFS Cap  
17 LLC Qualifier," is this a TCPA case?

18 A. No, sir.

19 Q. But you kept this for purposes of -- in the  
20 event they were noncompliant --

21 A. Sir, let -- let me clarify what -- because  
22 you're putting words in my mouth when I answer that  
23 question. I kept all of these -- all of these companies  
24 did not have permission to call me and violated the "do  
25 not call" provisions. I sued the companies that did not

1 honor my DNC request. So, even though a company may  
2 have called me -- in this case, this company -- I don't  
3 know. There's 60 phone calls on here. I did not sue  
4 them, because they honored my request.

5 Q. The -- the question was: Did you keep this  
6 Exhibit Number 17 for purpose of TCPA, in the event they  
7 didn't comply with TCPA?

8 A. I -- I kept all of these to have a track  
9 record --

10 Q. Okay.

11 A. -- of the bombardment of MCA phone calls that I  
12 was receiving.

13 (Exhibit 18 marked.)

14 Q. (BY MR. NEVAREZ) Okay. Exhibit 18, entitled  
15 "Mulligan FinWise," is this a TCPA case?

16 A. No, sir, it is not.

17 Q. And -- but you kept this log in the event  
18 that --

19 A. I kept this log to have a record of the  
20 numerous MCA-related phone calls and text messages I was  
21 receiving.

22 Q. And -- and, again, by definition "MCA" --

23 A. "Merchant cash advance" --

24 Q. Okay.

25 A. -- which is what your client was calling me

1 about.

2 Q. Right. Okay.

3 (Exhibit 19 marked.)

4 Q. (BY MR. NEVAREZ) Exhibit 19, entitled  
5 "Mulligan Trust FI," is this a TCPA case?

6 A. It is not, sir.

7 Q. Okay. And you kept this log why?

8 A. I kept this log to have a record of the  
9 numerous MCA phone calls and text messages I was  
10 receiving.

11 Q. I see.

12 MR. SHARPE: I'm out of stickers.

13 (Exhibit 20 marked.)

14 Q. (BY MR. NEVAREZ) Okay. Exhibit 20, entitled  
15 "True Cash Offer-House," is that a TCPA case?

16 A. No, sir.

17 Q. And you kept this log why?

18 A. Because I was also getting a bunch of offers to  
19 buy my house.

20 Q. Buy your house?

21 A. Yes.

22 Q. Okay. Was your house for sale?

23 A. No.

24 (Exhibit 21 marked.)

25 Q. (BY MR. NEVAREZ) Exhibit 21, entitled "Tax

1 Resolvers," is that a TCPA case?

2 A. No, sir.

3 Q. And so why did you keep this log?

4 A. I would generally keep logs just in case people  
5 do not honor my "do not call" request.

6 Q. Okay. So, in this case, they honored your "do  
7 not call" request?

8 A. I did not sue them or any of the other  
9 companies that I didn't sue to protect my privacy  
10 rights, and so I would say that, yes, they stopped  
11 contacting me when they were supposed to stop contacting  
12 me.

13 (Exhibit 22 marked.)

14 Q. (BY MR. NEVAREZ) Exhibit 22, entitled "UCES  
15 United Wealth"; is that correct?

16 A. Yes, sir.

17 Q. Is this a TCPA case?

18 A. Yes, sir. I sued them because I told them, I'm  
19 at a funeral; don't call me back. I was at my  
20 grandmother's funeral. They called me right back. They  
21 didn't honor my DNC request, so I filed a TCPA complaint  
22 against them.

23 (Exhibit 23 marked.)

24 Q. (BY MR. NEVAREZ) Okay. Exhibit 23, entitled  
25 "Coach Christian," is this a TCPA case?



1 A. Yes.

2 Q. And what is Coach Christian? Is that a person  
3 or --

4 A. That is a person. He goes by "Coach  
5 Christian." His name is Oscar Kenny.

6 Q. Okay. He -- he's a coach?

7 A. No. He's a scam artist.

8 (Exhibit 24 marked.)

9 Q. (BY MR. NEVAREZ) Okay. Exhibit 24 -- but --  
10 but -- I'm sorry. Going back to 23, that's -- that's a  
11 TCPA case?

12 A. I did file a TCPA complaint against him.

13 Q. Okay. Exhibit 24, entitled "Shopfunder," is  
14 that a TCPA case?

15 A. No, sir.

16 Q. What is this?

17 A. An MCA company soliciting for a merchant cash  
18 advance.

19 Q. I see. Okay.

20 (Exhibit 25 marked.)

21 Q. (BY MR. NEVAREZ) Exhibit 25, entitled "Direct  
22 Funding Club," is that a TCPA case?

23 A. No, sir.

24 Q. What is this?

25 A. That is a merchant cash advance company that

1 was soliciting me for a merchant cash advance.

2 Q. I see. Okay.

3 (Exhibit 26 marked.)

4 Q. (BY MR. NEVAREZ) Exhibit 26, entitled  
5 "Verite," is that a TCPA case?

6 A. No, sir.

7 Q. What is that?

8 A. That is a merchant cash advance company that  
9 was soliciting me for merchant cash advance.

10 (Exhibit 27 marked.)

11 Q. (BY MR. NEVAREZ) I see. Okay. Exhibit 27,  
12 entitled "PMF," is that a TCPA case?

13 A. Yes, sir.

14 (Exhibit 28 marked.)

15 Q. (BY MR. NEVAREZ) Okay. Exhibit 28, entitled  
16 "Debt Consultants Group," is that a TCPA case?

17 A. I -- I don't remember. I don't want to say  
18 "no," because it's -- I -- I think I filed a TCP- -- a  
19 TCPA complaint against a company that had a similar  
20 name, and I don't know if that was them or the company  
21 with the similar name. More likely than not, based on  
22 just two text messages, it would've been the other  
23 company. But I don't want to say "no."

24 (Exhibit 29 marked.)

25 Q. (BY MR. NEVAREZ) Okay. Exhibit 29, entitled

1 "Titan," is that a TCPA case?

2 A. Yes.

3 (Exhibit 30 marked.)

4 Q. (BY MR. NEVAREZ) Exhibit 30, entitled "El Paso  
5 Cosmetic," is that a TCPA case?

6 A. Yes.

7 (Exhibit 31 marked.)

8 Q. (BY MR. NEVAREZ) Exhibit 31, entitled  
9 "American First Life," is that a TCPA case?

10 A. I don't think so, but it's possible. I can't  
11 say definitively.

12 Q. Is this another MCA case?

13 A. No. That's a life insurance company.

14 Q. They were trying to sell you life insurance?

15 A. Yeah. They had a whole bunch of, you know,  
16 life insurance. Yeah.

17 (Exhibit 32 marked.)

18 Q. (BY MR. NEVAREZ) All right. Exhibit 32,  
19 entitled "Ethos Life 4374" --

20 A. Okay. That's what it -- "yes" to Ethos. "No"  
21 to American First Life.

22 Q. "Yes," Ethos is a TCPA case?

23 A. Yes.

24 Q. "No," American First Life --

25 A. Yes.

1 Q. -- is not?

2 A. Correct.

3 Q. So what is American First Life?

4 A. An insurance company that was contacting me  
5 to -- for insurance.

6 Q. Okay. But it's not a TCPA?

7 A. I don't remember suing them. I remember suing  
8 Ethos Life.

9 (Exhibit 33 marked.)

10 Q. (BY MR. NEVAREZ) Okay. 33. Exhibit 33,  
11 entitled "Alexa Assurance 4374," is that a TCPA case?

12 A. Yes and no.

13 Q. Okay.

14 A. I sued Alexa Assurance as part of a case that  
15 had -- I don't know -- seven or eight defendants, that  
16 was resolved. They continued contacting me. All of  
17 these came after that. I did not sue them.

18 Q. Okay.

19 A. So I sued them before, but not as part of these  
20 phone calls.

21 Q. Okay. But you sued them before, as part of the  
22 TCPA?

23 A. Yes.

24 (Exhibit 34 marked.)

25 Q. (By MR. NEVAREZ) Okay. Exhibit 34, entitled

1 "Splash Advance LLC Bridge Conso," is that a TCPA case?

2 A. No.

3 Q. What is that?

4 A. That's a merchant cash advance company that was  
5 contacting me.

6 Q. I see.

7 (Exhibit 35 marked.)

8 Q. (BY MR. NEVAREZ) Exhibit 35, entitled "Fortune  
9 500," is that a TCPA case?

10 A. No.

11 Q. What is that?

12 A. That is a -- a merchant cash advance company  
13 that was contacting me as -- trying to give me a  
14 merchant cash advance.

15 (Exhibit 36 marked.)

16 Q. (BY MR. NEVAREZ) Okay. Exhibit 36, entitled  
17 "MGM Funding," is that a TCPA case?

18 A. No, sir.

19 Q. Is that an MCA case?

20 A. Yes, sir.

21 (Exhibit 37 marked.)

22 Q. (BY MR. NEVAREZ) Exhibit 37, entitled  
23 "Commercial Lending," is that a TCPA case?

24 A. I believe this was a TCPA case.

25 (Exhibit 38 marked.)

1 Q. (BY MR. NEVAREZ) Okay. Exhibit 38, entitled  
2 "Spearhead," is that a TCPA case?

3 A. No, sir. It was an MCA company that was  
4 contacting me for --

5 Q. I see. Okay.

6 (Exhibit 39 marked.)

7 Q. (BY MR. NEVAREZ) Exhibit 39, "Sheet 1" --  
8 entitled "Sheet 1," is that a TCPA case?

9 A. Those are -- no, it's not TCPA cases. They're  
10 actually just -- well, no, they're not TCPA cases.

11 Q. Is this an MCA case?

12 A. I don't know what it is.

13 Q. You don't know what it is?

14 A. Aside from the -- the first one that says  
15 "LPG," which is "Litigation Practice Group" -- I don't  
16 know what the other calls are, no.

17 Q. "LPG" stands for what?

18 A. "Litigation Practice Group."

19 Q. I see.

20 So they were trying "to verify payment  
21 tomorrow," according to the entry on October 21?

22 A. Yeah, if that's what it says. I don't remember  
23 what that was about. I -- I just know that "LPG" stood  
24 for "Litigation Practice Group," and they sent me,  
25 apparently, a prerecorded voice message.

1 Q. I see.

2 A. That probably wasn't intended for me.

3 Q. Okay. Okay. Well, let me -- let me ask you:  
4 Go back to Exhibit Number 9, please. So same question  
5 for -- I'm going to ask you for 9 through 39: Does this  
6 relate to that phone number ending in 4064?

7 A. Yes.

8 Q. Same question for Exhibit Number 10?

9 A. Yes.

10 Q. Same question for Exhibit Number 11?

11 A. Yes.

12 Q. Same question for Exhibit Number 12?

13 A. Yes.

14 Q. Same question for Exhibit Number 13 --

15 A. Just one second.

16 Q. -- the Pearl Capital one?

17 A. Yes.

18 Q. Same -- same question for Exhibit Number 14?

19 A. Just one second. Okay. Yes.

20 Q. Okay. Same question for Exhibit 15?

21 A. Yes.

22 Q. Same question for Exhibit 16?

23 A. Yes.

24 Q. Same question for Exhibit 17?

25 A. Yes.

1 Q. Same question for Exhibit 18?

2 A. Yes.

3 Q. Same question for Exhibit 19?

4 A. Yes.

5 Q. Same question for Exhibit 20?

6 A. Yes.

7 Q. Same question for Exhibit 21?

8 A. Yes.

9 Q. Same question for Exhibit 22?

10 A. Yes.

11 Q. Same question for Exhibit 23?

12 A. Yes.

13 Q. Same question for Exhibit 24?

14 A. Yes.

15 Q. Same question for Exhibit 25?

16 A. Yes.

17 Q. Same question for Exhibit 26?

18 A. Yes.

19 Q. Same question for Exhibit 27?

20 A. Yes.

21 Q. Same question for Exhibit 28?

22 A. Yes.

23 Q. Same question for Exhibit 29?

24 A. Yes.

25 Q. Same question for Exhibit 30?



1 A. Yes.

2 Q. Same question for Exhibit 31?

3 A. Yes.

4 Q. Same question for Exhibit 32?

5 A. No.

6 Q. No? What number was Exhibit 32?

7 A. Says, at the top, "4374."

8 Q. Okay. That's your Boost Mobile?

9 A. Yes.

10 Q. And then, same question for Exhibit 33?

11 A. No.

12 Q. It doesn't pertain to 4064?

13 A. No.

14 Q. What does that pertain?

15 A. 4374.

16 Q. Okay. Same question for Exhibit 34?

17 A. Yes.

18 Q. Same question for Exhibit 35?

19 A. Yes.

20 Q. Same question for Exhibit 36?

21 A. Yes.

22 Q. Same question for Exhibit 37?

23 A. Yes.

24 Q. Same question for Exhibit 38?

25 A. Yes.

1 Q. Same question for Exhibit 39?

2 A. Yes.

3 Q. Okay. Now -- so most of these computer logs  
4 were kept for your phone ending in 4064, a couple are  
5 for your phone ending in 4374 --

6 A. Yes.

7 Q. -- if math serves me well.

8 Now, what about your main number at  
9 Aero Tax?

10 A. What about it?

11 Q. Do you have any logs -- any other logs for  
12 your -- your number in Aero Tax?

13 A. That is a business number, and there would be  
14 no reason for me to keep logs for a business number.

15 Q. Why? You kept logs for these other two  
16 numbers.

17 A. These two numbers are registered on the  
18 national "Do Not Call" list.

19 Q. Okay. Including 4374?

20 A. Yes.

21 Q. Okay. Now, your phone number at Aero Tax is  
22 that (915) 929-8309?

23 A. No.

24 Q. No?

25 A. That's not my phone number.

1 Q. Okay. Your -- and your office -- where is your  
2 office for Aero Tax?

3 A. I thought we went over this earlier. 10921  
4 Pellicano, Suite 100 --

5 Q. Okay.

6 A. -- El Paso, Texas 79935 or -36. I forget -- I  
7 forget about the ZIP Code.

8 Q. Okay. Yeah. And so -- and the phone number  
9 there is not (915) 929-8309?

10 A. No, it is not.

11 Q. Okay. And so is your -- is your number there  
12 at Aero Tax listed on the "Do Not Call" registry?

13 A. No, it is not.

14 Q. Okay. And so it is -- you -- the 10921  
15 Pellicano, Suite 100, is that -- do you have employees  
16 there?

17 A. The same ones I told you about earlier.

18 Q. So they -- that -- that's where they're  
19 located?

20 A. Yes.

21 Q. Okay.

22 MR. NEVAREZ: Let's see. What time is it?  
23 3:49. Yeah, I -- I think we need to -- I'll just  
24 reserve the rest of my time for Friday, after you're  
25 done with Mitch.

1 MR. MILTENBERGER: Well, why don't we keep  
2 going till 5:15 or so? I mean, that -- that'll shorten  
3 our Friday.

4 MR. NEVAREZ: Well, yeah, I can do that.

5 MR. MILTENBERGER: I'd say let's go till  
6 5 o'clock --

7 MR. NEVAREZ: Let --

8 MR. MILTENBERGER: -- if you've got an area  
9 that --

10 MR. NEVAREZ: Let's break for a few  
11 minutes. Let me get myself coordinated.

12 VIDEO TECHNICIAN: All right. Off the  
13 record at 3:49.

14 (Break taken from 3:49 p.m. to 4:03 p.m.)

15 VIDEO TECHNICIAN: We are back on the  
16 record at 4:03 p.m.

17 Q. (BY MR. NEVAREZ) Okay. So, Mr. Callier, I --  
18 I just have one more phone call. And this one's dated  
19 October 4 of 2022.

20 A. Okay.

21 (Audio played.)

22 MR. CALLIER: Hello.

23 SAM: Hi. Brandon?

24 MR. CALLIER: This is Brandon.

25 SAM: (Indiscernible) Sam over here with

1 FDR Funding. How are you today, sir?

2 MR. CALLIER: I'm good. Who's this?

3 A. Sam with who?

4 Q. (BY MR. NEVAREZ) Is that -- is that your -- is  
5 that your voice?

6 SAM: Sam with FDR Funding. We spoke about  
7 a week --

8 (Audio stopped.)

9 Q. (BY MR. NEVAREZ) Did -- did you hear that?

10 A. Yeah. I'm just asking to clarify who -- if he  
11 said "FTR Funding"?

12 Q. I think -- I don't think it was "FTR." But  
13 let's -- let's play it again.

14 (Audio played.)

15 MR. CALLIER: Hello.

16 SAM: Hi. Brandon?

17 MR. CALLIER: This is Brandon.

18 SAM: (Indiscernible) Sam over with FDR  
19 Funding. How are you today, sir?

20 (Audio stopped.)

21 Q. (BY MR. NEVAREZ) "FDR Funding"? Not "FTR  
22 Funding."

23 A. Okay.

24 Q. I -- I don't know. Which is it? Is that -- is  
25 that your voice?

1           A.    Yes, that's my voice.  I'm just trying to  
2 clarify who I'm speaking to.  It's -- it's not any  
3 company that's been introduced thus far in this case, so  
4 I want to clarify what I'm hearing correct -- see if  
5 what I'm hearing is correct on the --

6           Q.    Right.

7           A.    Yeah.

8           Q.    I -- you know, you -- you tell me.  It sounded  
9 like FD- -- as in "David" -- R Funding, as opposed to  
10 what I thought you said FT- -- as in "Tom."

11          A.    Well, initially, I thought it said "FTR," but  
12 sounds like it's "FDR."

13          Q.    Okay.  And do -- do you recall dealing with FDR  
14 Funding?

15          A.    I do not.

16          Q.    Do you recall dealing with Sam or Siam?

17          A.    I do not.

18          Q.    Okay.  That is your voice?

19          A.    That is my voice, but I've received over a  
20 hundred phone calls from these types of companies.  I'm  
21 not -- I'm not going to remember every single one.

22          Q.    Sure.  Sure.

23          A.    But go ahead.

24                   (Audio played.)

25                   MR. CALLIER:  I'm good.  Who's this?

1 SAM: Sam, with the FDR Funding. So we  
2 spoke about a week ago. You mentioned you had -- you  
3 said you had an opera- (indiscernible)?

4 MR. CALLIER: FDR Funding?

5 SAM: FDR Funding, right.

6 MR. CALLIER: Oh. Did you used to be with  
7 Upwise? Because I -- I have it saved in my phone as  
8 "Upwise."

9 A. Oh, okay.

10 SAM: Upwise? Okay, that's probably  
11 because they --

12 (Audio stopped.)

13 Q. (BY MR. NEVAREZ) I'm sorry. Did -- so you  
14 remember that call? Why did you say "okay"?

15 A. I don't remember the call. I just -- I'm  
16 listening to myself, and it says -- I said "okay"  
17 because, apparently, there's -- that's the connection,  
18 because I saved that number as "Upwise" in my phone.

19 Q. I see. Okay.

20 A. Which, you have a copy of it. So that tells me  
21 it probably was an Upwise phone number.

22 Q. Okay. Well, let's continue on.

23 (Audio played.)

24 SAM: (Indiscernible). We gotta call a lot  
25 of people (indiscernible).

1 MR. CALLER: I'm sorry --

2 A. That was ineligible [sic].

3 MR. CALLIER: -- I didn't understand what  
4 you just said.

5 (Audio stopped.)

6 Q. (BY MR. NEVAREZ) I -- I'm sorry. What was it  
7 that you --

8 A. I said that was ineligible. I -- I couldn't  
9 understand the audio on that.

10 Q. You couldn't understand that?

11 A. No. Yeah.

12 MR. NEVAREZ: Okay. Let me --

13 THE REPORTER: I couldn't either. And if  
14 I'm supposed to be writing those, that -- that's not  
15 happening --

16 MR. NEVAREZ: Okay. Well, let me stop.  
17 See?

18 THE REPORTER: -- because there's a lot I  
19 don't understand.

20 MR. NEVAREZ: Let me -- let me start from  
21 the beginning. Well, I'll move the computer a little  
22 closer. Let me see if I've got the volume cranked up.

23 THE REPORTER: It's not the volume. Some  
24 of it's unintelligible.

25 MR. NEVAREZ: Oh, yeah, a lot of this is



1 going to be unintelligible, I'm afraid. Okay. Oh,  
2 okay.

3 (Audio played.)

4 MR. CALLIER: Hello.

5 SAM: Hi. Brandon?

6 MR. CALLIER: This is Brandon.

7 SAM: (Indiscernible) Sam over here with  
8 FDR Funding. How are you today, sir?

9 MR. CALLIER: I'm good. Who's this?

10 SAM: Sam with the FDR Funding. So we  
11 spoke about a week ago. You mentioned you had -- you  
12 said you had an opera- (indiscernible)?

13 MR. CALLIER: FDR Funding?

14 SAM: FDR Funding, right.

15 MR. CALLIER: Oh. Did you used to be with  
16 Upwise? Because I -- I have it saved in my phone as  
17 "Upwise."

18 SAM: Upwise? Okay, that is probably  
19 because the internet dialer (indiscernible). We gotta  
20 call a lot of people (indiscernible). I'm sorry.

21 MR. CALLIER: I'm sorry, I didn't  
22 understand what you just said.

23 SAM: I -- I said we're using an internet  
24 dialer, actually, sir. So the number is not -- is not  
25 really valid. We gotta call a lot of people every day.

1 We use -- we use this (indiscernible). Hope you don't  
2 mind.

3 MR. CALLIER: Oh.

4 SAM: Did you recover from the operation  
5 (indiscernible)?

6 MR. CALLIER: Huh? Yeah, I'm back in the  
7 office, finally.

8 SAM: Okay. That's great. That's great.  
9 By any chance, are you ready to apply or get the money  
10 in your account, (indiscernible)?

11 MR. CALLIER: Yeah, I -- I can -- I'm  
12 actually --

13 SAM: (Indiscernible)?

14 MR. CALLIER: -- in front of -- in front of  
15 the computer, so I can, like, go ahead and pull the --  
16 do the application and get the bank statements now while  
17 I got -- while I got --

18 SAM: That's great. That's great. Let me  
19 get the underwriter on the line, sir. Just -- just a  
20 moment.

21 By the way, what -- during the time you  
22 were having the operation, did the business go down, by  
23 any chance?

24 MR. CALLIER: No, no. (Indiscernible),  
25 so --

1 SAM: I have (indiscernible) --

2 (Audio stopped.)

3 Q. (BY MR. NEVAREZ) You had an operation? Is  
4 that what he's referring to? Is that what -- what the  
5 conversation -- you had surgery?

6 A. That was October '22? Yeah, I had a detached  
7 retina.

8 Q. Oh, wow. Another accident? Another car  
9 accident?

10 A. No. I was sitting in a restaurant in  
11 Philadelphia and just noticed something in my eye all of  
12 a sudden and --

13 Q. Oh.

14 A. -- went back home and had a detached retina.

15 Q. Okay. Well, sorry to hear that. It's -- okay,  
16 then --

17 (Audio played.)

18 SAM: I have Brandon with me on the line.  
19 He's looking for about \$60,000. You can take over.

20 CARLOS: Hey, Brandon. How are you, Buddy?

21 MR. CALLIER: I'm good. How are you?

22 CARLOS: Yeah. Good. So thank you so much  
23 for staying on the line. Can you tell me a little bit  
24 more about your business? And I know this may seem  
25 redundant, but I am the underwriter here at Fun Cube,

1 and we are a direct lender --

2 MR. CALLIER: I'm sorry. It -- it cut out.  
3 Underwriter at where?

4 CARLOS: My name is Carlos, and we -- we --  
5 we are a direct lender. We're based out of California.

6 MR. CALLIER: No, no. I -- you -- you had  
7 said with who, but I -- I didn't -- I couldn't  
8 understand it. It -- it cut out on me, is what I was  
9 saying.

10 CARLOS: Oh, sorry about that. We -- we  
11 are a direct lender. We're based out of California.  
12 Our name is Benefit -- our marketing name is Fun Cube.  
13 And you were --

14 MR. CALLIER: Oh, okay.

15 CARLOS: -- speaking to my account manager.  
16 I am the -- I'm the director here, and I just would like  
17 to ask a few questions.

18 MR. CALLIER: Sure.

19 CARLOS: So how much are you looking for?

20 MR. CALLIER: About 50,000.

21 CARLOS: Okay. And how much are you -- did  
22 you deposit last month?

23 MR. CALLIER: Last month? 70- -- a little  
24 over 73,000.

25 CARLOS: Okay. Do you have any outstanding

1 loans out?

2 MR. CALLIER: No, I -- I don't have any  
3 debt at all.

4 CARLOS: Okay. And what -- what kind of  
5 loans are you looking for, to get? What kind of --

6 MR. CALLIER: What kind of loans?

7 CARLOS: -- (indiscernible)?

8 MR. CALLIER: I've never had any debt, so I  
9 don't really know what's out there or what types of  
10 loans would be available. So I'd kind of be relying on  
11 you to guide me on that.

12 CARLOS: Sure. So the -- this works  
13 like -- like personal credit. You know, you go to the  
14 car dealership your first time. You -- you try to build  
15 your personal credit just like business credit, okay?

16 MR. CALLIER: Uh-huh.

17 CARLOS: Since you've got never had a loan  
18 before, we won't be able to report on the Dunn &  
19 Bradstreet credit bureau, which is essentially a  
20 business credit reporting bureau. That, essentially,  
21 builds your -- your -- you know, your business credit  
22 report, you know.

23 MR. CALLIER: Gotcha.

24 CARLOS: In a year or two, you'll be  
25 bankable, and you'll be able to get, you know, let's

1 say, half a million, a million dollars for, like, ten  
2 years. Right now, it's kind of impossible to come out  
3 of the gate and be like, Hey, I want to five-, ten-year  
4 terms, when, on the banking side, they don't have any  
5 sort of (indiscernible) -- any proof that, you know, you  
6 can pay off the loan. It's sort of a catch-22, you  
7 know. (Indiscernible).

8 MR. CALLIER: Okay.

9 CARLOS: The term wasn't that bad either,  
10 so -- but it -- it -- but it did help me build my  
11 personal credit, and it's just like that. I give that  
12 example because, you know, business owners like  
13 yourself, you know, you focus solely on building your  
14 business. And, obviously, you know, the financing  
15 aspect is always like, Oh, shoot, I financed this all my  
16 life; now I want to start building my business credit.  
17 What do I do or what do I -- how I do begin, right?

18 So, you know, we typically need four months  
19 of bank statements from you and a signed application.  
20 And I can generally get -- get it to underwriting and  
21 get you an approval within 70- -- no, within 24 hours,  
22 okay?

23 MR. CALLIER: Okay.

24 CARLOS: And, in regards to needing the  
25 funds, how soon -- is this like a time-sensitive matter

1 or are you shopping around or --

2 MR. CALLIER: No, no, no, no, I'm not  
3 shopping around. It's a -- I mean, I wouldn't call it  
4 "time-sensitive." If I, you know, get funded, then I'm  
5 just going to use the money to put another truck on the  
6 road.

7 CARLOS: Oh, (indiscernible) --

8 MR. CALLIER: So -- so yeah, that --

9 CARLOS: (Indiscernible).

10 MR. CALLIER: Go ahead.

11 CARLOS: Sorry. A lot of people are coming  
12 to me right now, and, you know, can get 2-, 3-, 4-,  
13 \$5,000 each week on these tru- -- on, you know, the --  
14 on the trucks, you know.

15 MR. CALLIER: Right.

16 CARLOS: It's there. It serves -- the  
17 money serves a purpose. The loan serves a purpose. You  
18 know, it's fast. You know, obviously -- are you putting  
19 the money down as down payment to get in the truck or  
20 are you -- how are you financing the truck?

21 MR. CALLIER: So I -- I have the rest of  
22 the money. So I -- I would take, you know, the 50- from  
23 you, if I were to get approved, and then take the rest  
24 of the funds from my account and then just -- and just  
25 buy the truck.

1 CARLOS: Okay. All right. How much is the  
2 truck? Like a-hundred-and-something?

3 MR. CALLIER: Yeah, it's like -- actually,  
4 it's a little lower. It's like 95- -- the one I want is  
5 like 95-.

6 CARLOS: All right. Well, you could,  
7 actually, save your cash or savings and finance the  
8 rest. I could give you the -- the 40- -- you know,  
9 50,000 as down payment and just finance the rest. So,  
10 not only are you building your credit both ways, the  
11 equipment's in-hand (indiscernible). But you're saving  
12 yourself money on the back end as well, because you --  
13 you keep that money, the -- the ones that are -- the  
14 money that you'll be getting out of the savings.

15 I'm assuming you're taking saving -- money  
16 out of your savings account, right?

17 MR. CALLIER: Right.

18 CARLOS: So what I would do is, you know,  
19 get you approved for the loan or, you know, vice versa.  
20 You can do whatever you want. You're the business  
21 owner. But, in my suggestion, you know -- obviously, it  
22 takes a little bit longer, but, you know, it helps you  
23 build -- it -- it's called "equipment leasing," okay?  
24 And we -- we do have terms up to, like, four years.  
25 However, it does take a little bit of time.



1                   You -- this might be a little bit time-  
2 sensitive. Because of the business that you're in, you  
3 might -- it might be a (indiscernible), right? You  
4 there?

5                   MR. CALLIER: Right.

6                   CARLOS: Okay. So let -- let's start by  
7 doing this. I don't have anything in front of me in  
8 regards to paperwork or anything. Let me get four  
9 months of bank statements from you and the application.  
10 I think we can get to work, okay?

11                  MR. CALLIER: Okay. Can you e-mail it --  
12 the application to me?

13                  CARLOS: Yes, sir. I'm going to send that  
14 (indiscernible). Can we get your -- your e-mail address  
15 already?

16                  MR. CALLIER: It's my last name,  
17 C-A-L-L-I-E-R, -74@gmail.com.

18                  CARLOS: Okay. Did you also give that to  
19 the account manager?

20                  MR. CALLIER: I don't recall if he asked me  
21 for it or not.

22                  CARLOS: What's -- what's your cell phone  
23 number?

24                  MR. CALLIER: (915) 383-4604.

25                  CARLOS: (915) 383-4604?

1 MR. CALLIER: Yeah.

2 CARLOS: Okay. Let me text you right now,  
3 okay? Is that okay?

4 MR. CALLIER: Yeah.

5 CARLOS: All right. Let me text you right  
6 now and you can send me that e-mail. Thank you.

7 MR. CALLIER: All right. Bye.

8 (Audio stopped.)

9 Q. (BY MR. NEVAREZ) So, do you remember that  
10 conversation?

11 A. I do not.

12 Q. You don't?

13 A. No. But it obviously happened.

14 Q. Yeah. And -- and that was your voice?

15 A. Yes.

16 Q. Okay. And that was related to that -- that  
17 same phone number, 4064? That -- that's what it said --

18 A. I assume --

19 Q. -- at the end --

20 A. Well --

21 Q. -- confirmed at the end?

22 A. Yeah.

23 Q. Right?

24 A. Yes.

25 Q. Okay. So that seems like the same modus

1 operandis [sic] that -- that you performed on my  
2 clients, JaScott Investments, as well as Mark Fawzy, as  
3 well as Upwise. You -- you called somebody. In this  
4 case, it was FDR Funding, Sam.

5 A. I did not call FDR Funding. They called me.

6 Q. Okay. Well, how did they get your number if --  
7 how -- how is it that all -- you've got all these TCPA  
8 lawsuits that seem to call you?

9 A. You can ask your clients where they got my  
10 phone number.

11 Q. Well, they got it from Max Williams because you  
12 called Max Williams.

13 A. I did not call Max Williams.

14 Q. Well, you den- -- you denied knowing who Max  
15 Williams was, and it's in your petition --

16 A. Sir --

17 Q. -- your complaint.

18 A. -- that was written a -- a year ago -- over a  
19 year ago. I hadn't heard Max Williams' name until  
20 today. I did not remember. I do not know Max Williams.  
21 And it may be in the complaint, but that doesn't mean  
22 that I know or remember Max Williams. And I can assure  
23 you, I never at one time called Max Williams. There's  
24 no outbound phone call to Max Williams. And there's no  
25 outbound phone call to FDR Funding.

1 Q. Well, how -- how do you think they -- FDR  
2 Funding got your name -- Sam? Same way Max Williams got  
3 your number?

4 A. I can't spec- -- if -- I can't speculate on how  
5 FDR Funding got my phone number. I do know that there  
6 are unscrupulous lead generators that sell contact  
7 information.

8 Q. It seems to be highly coincidental that, in --  
9 in both cases, there's discussion about \$60,000 loan,  
10 \$50,000 loan for buying trucks and you're shopping  
11 around, is your -- is your term.

12 A. No, I was -- sorry.

13 Q. So it -- it seems like the same MO. You  
14 somehow engage companies to try to borrow 50-, \$60,000  
15 as a business loan for trucks. You're not even in the  
16 trucking business, right?

17 A. Correct.

18 Q. And you engage them in discussions about a loan  
19 application, you confirm your e-mail. You don't tell  
20 them, Don't call me, I -- I don't want the loan. But  
21 then -- I don't know. Did you -- did you sue FDR  
22 Funding?

23 A. I did not.

24 Q. Did you sue that -- that Carlos, Fun Cubes, or  
25 whatever that --

1 A. No, I did not.

2 Q. Did you tell them, Do not call?

3 A. I don't recall if that's the only phone  
4 conversation I've ever had with them or not, so I  
5 can't -- I can't answer that question.

6 Q. It -- well, was that one of the exhibits that  
7 we passed around?

8 A. It was not.

9 Q. So there's other phone calls that you've made  
10 soliciting business loan applications?

11 A. Sir, I'm going to correct you again: I did not  
12 call FDR Funding.

13 Q. Well, they called you. They -- we -- we know  
14 they called you.

15 A. You just said that I called them.

16 Q. Yeah. I deny -- I'm trying to figure out --

17 A. There's another couple things that we need to  
18 correct from your initial statements that weren't  
19 questions.

20 Q. Okay. That's fine. I -- I'm trying to figure  
21 out how companies keep getting your phone number.

22 A. Sir, you just played a clip from a company  
23 that, presumably, is not related to this case, and you  
24 have a recording from them. Maybe you should ask them  
25 where they got my phone number.

1 Q. Well, no, I'm -- I'm trying to find out from  
2 you, because that -- that seems to be your MO: You  
3 solicit a business loan and -- and you -- you tell them  
4 to e-mail you the application, you fill out a loan  
5 application, and then -- I don't know -- you turn around  
6 and sue them, like you sued my client, when they're  
7 trying to give you a loan for 50,000 that you requested.

8 MR. MILTENBERGER: Objection to the form.  
9 Is there a question there?

10 Q. (BY MR. NEVAREZ) So I -- is that -- does that  
11 not appear to be your modus operandis here?

12 MR. MILTENBERGER: Objection to the form of  
13 the question, compound, soliloquy leading up to a  
14 question.

15 A. Sir, at the beginning of that phone call, I  
16 clearly expressed that that is showing up as "Upwise" on  
17 my caller identification. I had sued Upwise two months  
18 prior and had them served -- excuse me -- sued JaScott  
19 and Pac Western -- at this time, I didn't know there was  
20 a differentiation between the two -- had the company  
21 served. So, in my mind, I'm thinking -- I can guarantee  
22 you what I'm thinking is: Wait a minute, this company  
23 that I just sued and served is calling me? Yes, I  
24 played along. And then the guy, on two different  
25 occasions, indicated he was using some type of

1 autodialer. So yes, I played along to figure out if  
2 that was Upwise or not.

3 Q. (BY MR. NEVAREZ) You're -- you're saying that  
4 that phone call was the result of an autodialer?

5 A. I'm saying that he indicated -- he said twice,  
6 on two different occasions, that he used some type of  
7 dialer to call me, and he said that the phone number was  
8 spoofed.

9 Q. Well, I don't think he said that.

10 A. Well, he didn't use the word "spoofed," but he  
11 said he -- you can play it back.

12 Q. Well, he said he used a VOIP. You know what a  
13 VOIP is, right? Voiceover internet protocol?

14 A. Okay. Well, I don't have any VOIP, so I wasn't  
15 quite sure about that. What I do -- what I am sure of  
16 is that he explicitly said that the number that showed  
17 up on my caller ID was not the number that he had called  
18 me from -- or that was used to transmit and call me.

19 Q. Well, no, that's not what he said. He -- he  
20 said -- you said, The number that shows up on my end is  
21 from Upwise.

22 A. That's what I said.

23 Q. Yes. And he said, Well, that's because we're  
24 using the VOIP. Let's play that again.

25 (Audio played.)

1 MR. CALLIER: Hello.

2 SAM: Hi. Brandon?

3 MR. CALLIER: This is Brandon.

4 SAM: (Indiscernible) Sam over here with  
5 FDR Funding. How are you today, sir?

6 MR. CALLIER: I'm good. Who's this?

7 SAM: Sam with FDR Funding. So we spoke  
8 about a week ago. You mentioned you had -- you said you  
9 had an opera- (indiscernible).

10 MR. CALLIER: FDR Funding?

11 SAM: FDR Funding, right.

12 MR. CALLIER: Oh. Did you used to be with  
13 Upwise? Because I -- I have it saved in my phone as  
14 "Upwise."

15 SAM: Upwise? Okay. That's probably  
16 because the internet dialer I'm using (indiscernible).  
17 We gotta call a lot of people, so we (indiscernible).

18 MR. CALLIER: I'm sor- --

19 (Audio stopped.)

20 Q. (BY MR. NEVAREZ) See what he's saying? The  
21 internet dialer, it's -- it's a voiceover internet  
22 protocol phone. Do -- do you understand what that is?

23 A. I understand that he called me -- well, the  
24 number that showed up on my phone was not the number  
25 that belonged to him.



1 Q. Well, it -- he said it -- it belonged to --  
2 that he was calling from FDR Funding. He was using a  
3 phone that showed up in your end as "Upwise," right?

4 A. He was using a phone that showed up on my end  
5 with a number that belonged to Upwise.

6 Q. Exactly. Okay.

7 A. He didn't say that number belonged to him.

8 Q. And he didn't say it didn't belong to him  
9 either. But you said it -- it was an autodialer.

10 A. He twice said he used a dialer.

11 Q. Well, but it wasn't an autodialer.

12 A. I don't know what it is, because we haven't had  
13 access to the system that was used to call me, because  
14 this is the first time we've been presented with  
15 anything related to FDR in this case.

16 Q. Right. Okay.

17 A. So I can't say --

18 Q. But do you --

19 A. -- whether it's an autodialer or not.

20 Q. Do you know what a -- a VOIP number is?

21 A. I don't use a VOIP number. I'm not exactly  
22 sure what a VOIP number is. I just know that he said  
23 "dialer" twice.

24 Q. Okay. All right. So --

25 A. He didn't -- yeah, go ahead. Sorry.

1 Q. Yeah, no. Well, I didn't -- I -- I mean, I'm  
2 -- I'm wondering, how -- how do these people get your  
3 phone number. And -- and I know you don't know. I --  
4 I'm trying to -- I'm wondering why people have your  
5 number, they call you, and instead of saying, Do not  
6 call ever again, I'm on the "Do Not Call" registry, you  
7 just did the same thing that you did to my client,  
8 JaScott Investments and -- and Mark Fawzy.

9 A. Are you asking me a question?

10 Q. You -- yes, I am. And -- and, instead of  
11 telling them, I'm not interested in a business loan for  
12 \$50,000 for trucks, because I'm not in the trucking  
13 business, you play along and you conceal the fact that  
14 you're really not interested in -- in doing a loan, but  
15 you don't tell them and then you turn around and sue  
16 them after enticing them --

17 MR. MILTENBERGER: Mike, is there a  
18 question there? I mean --

19 MR. NEVAREZ: Don't -- don't -- please  
20 don't interrupt me.

21 MR. MILTENBERGER: I -- I am --

22 MR. NEVAREZ: State your objection. State  
23 your objection.

24 MR. MILTENBERGER: Objection,  
25 uncomprehensible [sic]. You're making long soliloquies

1 and then, at the end, trying to ask some question that  
2 incorporates that long soliloquy. And I'm not going to  
3 let the record be unclear.

4 MR. NEVAREZ: Okay. Fine.

5 Q. (BY MR. NEVAREZ) So you -- you engage them in  
6 this conversation over a business loan application and  
7 you don't tell them that you're really not interested in  
8 a \$50,000 loan. So do you do that with all of your TCPA  
9 cases -- in all your TCPA cases?

10 A. Do I do what, sir?

11 Q. Do you -- do you have this \$50,000 loan,  
12 \$60,000 loan for trucks in -- in the process? You're  
13 engaging people to process a loan un- -- for you for  
14 50-, 60-thou- -- and then you sue them under TCPA? Is  
15 that -- is that part of the factual scenario?

16 THE WITNESS: Can I interrupt him?

17 MR. MILTENBERGER: No, you can --

18 THE WITNESS: Okay.

19 MR. MILTENBERGER: He can state and then  
20 you can ask him to repeat if you don't understand his  
21 lengthy question.

22 Q. (BY MR. NEVAREZ) Is that part of --

23 A. Sir, I am getting lost --

24 Q. Okay.

25 A. -- in all of your -- you go on for five

1 minutes, seemingly, and -- and hurl 15 different things  
2 at me. I cannot keep them straight in my head.

3 Q. You cannot keep what straight?

4 A. Everything that you are asking. If you can  
5 break these things down into one question at a time and  
6 allow me to respond, because, when you go for two or  
7 three or four or five minutes uninterrupted and ask five  
8 or ten different questions, it makes it difficult for me  
9 to keep straight what you're asking me.

10 Q. My -- so my question to you is: In your TCPA  
11 cases, are -- is this the same modus operandi where  
12 you're discussing business loans with people and then  
13 you sue them afterwards?

14 A. Sir --

15 Q. That's a "yes" or "no."

16 A. No.

17 Q. Okay. So how is it that -- that these \$50,000  
18 loans appear like they did in -- for my client's case  
19 and for Sam at FDR Funding, and you don't tell them, I'm  
20 not interested in \$50,000? Why don't you tell these  
21 people that?

22 MR. MILTENBERGER: Been asked and answered.  
23 Objection.

24 A. Sir, with respect to FDR, you have access to  
25 them that I do not have. And, if you would like to know

1 how I got their phone number -- or excuse me -- how they  
2 got my phone number, then direct that question to them.  
3 They're the ones in the best position to answer the  
4 question. With respect to me fi- -- this last question,  
5 less than 5 percent -- less than 4 percent of the  
6 cases -- TCPA cases that I have filed involve MCA  
7 companies. And I filed cases against less than 4  
8 percent of the -- or probably less than 2 percent of the  
9 MCA cases -- or companies that called me.

10 The cases like your client that ignore  
11 repeated "do not call" requests are the companies that I  
12 went after. If your company had honored any one of the  
13 "do not call" requests that I made to them, we probably  
14 would not be sitting here.

15 MR. NEVAREZ: Okay. Well I am going to  
16 reserve the rest of my time, because I -- I'm just going  
17 to have to open up a whole 'nother train, okay?

18 MR. MILTENBERGER: Yeah, that's okay.  
19 That's fine.

20 VIDEO TECHNICIAN: Want to go off the  
21 record?

22 MR. NEVAREZ: Yeah, off the record.

23 VIDEO TECHNICIAN: Off the record at 4:33.

24 MR. MILTENBERGER: Well, wait. Let --  
25 let's go back on the record real quick. It doesn't need

1 to be this. But just confirming that we'll regroup on  
2 Friday?

3 MR. NEVAREZ: Well, we don't have to go on  
4 the record for that. I can confirm it to you right now.

5 MR. MILTENBERGER: Okay. We'll regroup on  
6 Friday after Mitchell Cox's deposition?

7 MR. NEVAREZ: Right.

8 MR. MILTENBERGER: Okay.

9 MR. NEVAREZ: We'll just stay on the line,  
10 I guess.

11 MR. MILTENBERGER: Yeah.

12 (Deposition adjourned at 4:34 p.m.)  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**C E R T I F I C A T E**

STATE OF TEXAS )

COUNTY OF EL PASO )

I, Ginger G. Zachary, Registered Professional Reporter, Certified Realtime Reporter, and Certified Shorthand Reporter in and for the State of Texas, and Melody C. Joiner, Certified Shorthand Reporter, hereby Certify that this transcript is a true record of the said proceedings, and that said transcription is done to the best of my ability.

Given under my hand and seal of office on January 22, 2024.



Ginger G. Zachary, CSR  
Texas Cert. No. 5710  
Date of Exp: 1/31/2026  
ACR INK, LLC  
221 North Kansas Street,  
Suite 505  
El Paso, Texas 79901  
Ph.: 915.542.3422



Melody C. Joiner, CSR  
Texas Cert. No 5525  
Date of Exp: 10/31/2024  
ACR INK, LLC  
221 North Kansas Street,  
Suite 505  
El Paso, Texas 79901  
Ph.: 915.542.3422

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**CORRECTIONS AND SIGNATURE****BRANDON LATREULL CALLIER****JANUARY 8, 2024**

PAGE LINE CORRECTION

REASON



1 I, **BRANDON LATREULL CALLIER**, have read the  
 2 foregoing deposition and hereby affix my signature that  
 3 same is true and correct, except as noted above.

4  
 5 \_\_\_\_\_  
 6 **BRANDON LATREULL CALLIER**

7 THE STATE OF TEXAS )  
 8 COUNTY OF EL PASO )  
 9

10 Before me, \_\_\_\_\_, on this  
 11 day personally appeared **BRANDON LATREULL CALLIER** known  
 12 to me (or proved to me under oath or through  
 13 \_\_\_\_\_) (description of identity card or other  
 14 document) to be the person whose name is subscribed to  
 15 the foregoing instrument and acknowledged to me that  
 16 they executed the same for the purposes and  
 17 consideration therein expressed.

18 Given under my hand and seal of office this  
 19 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

20  
 21 \_\_\_\_\_  
 22 NOTARY PUBLIC IN AND FOR  
 23 THE STATE OF TEXAS

24 My commission expires: \_\_\_\_\_  
 25